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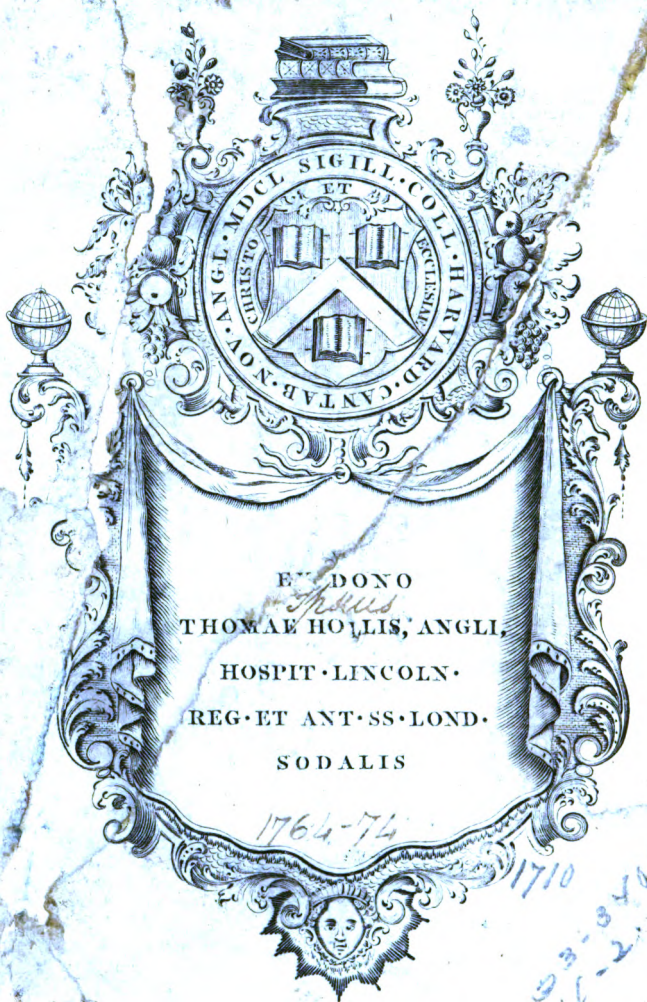
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THE
PARLIAMENTARY
OR
CONSTITUTIONAL
History of England,

From the earliest TIMES,
TO THE
Restoration of King CHARLES II.

COLLECTED
From the RECORDS, the ROLLS of Parliament, the JOURNALS
of both Houses, the Public LIBRARIES, Original MANU-
SCRIPTS, scarce SPEECHES, and TRACTS; all compared
with the several Contemporary Writers, and connected,
throughout, with the History of the Times.

By SEVERAL HANDS.

THE SECOND EDITION.
IN TWENTY-FOUR VOLUMES.

VOL. V.

From the Accession of King *James I.* to the Twenty-first Year of his
Reign.

L O N D O N,

Printed for J. and R. TONSON, and A. MILLAR, in the
Strand; and W. SANDBY, in *Fleet-Street*.

M DCCCLXIII.

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T H E
PARLIAMENTARY HISTORY
O F
E N G L A N D.



AFTER the Death of the last Queen, *James King of Scotland*, the Sixth of that Name, succeeded to the *English* Crown. In this Prince did center all the Hereditary Titles that were ever made to that Dia-

The Accession of
King James I.

dem; and, it is observable that this Claim was contrary to an Act of Parliament, which, empowered King *Henry VIII.* in Failure of all his own Issue, to settle the Crown on whom he pleased by his last Will (a). In Pursuance of which he bequeathed it to the Issue of his younger Sister *Mary*, the *French* Queen, afterwards married to *Charles Brandon*, Duke of *Suffolk*. Queen *Elizabeth* might therefore have fixed the Succession, no Doubt, exclusive of the *Scotch* Line; but she was too just a Princess to do, or suffer it to be done: Nor did the *Suffolk* Family ever think fit to make any Stir about their Claim. Indeed, it would have given a much deeper Stain to the greatest Blemish

VOL. V.

A

of

(a) See Vol. III. p. 196.

An. 1 James I. of the late Reign ; not only to destroy the Mother,
1603. but disinherit her whole Posterity. On the contrary, by her dying Words, she left her Kingdom to her nearest Kinsman *James* ; and, on her Demise, he was immediately proclaimed King of *England, Scotland, &c.* with the usual Ceremonies.

The new King made his Progress from one Capital to the other, with all convenient Expedition ; and, on the 25th of *July, St. James's Day, Anno 1603*, this King and his Queen, *Anne of Denmark*, were crowned at *Westminster*, with great Solemnity.

To lessen the Joy that might then be felt by both the *Scotch* and *English* Nations on this happy Union, a dreadful Plague broke out in *London* this Year ; which, in a short Space, carried off from that City and its Confines, above Thirty Thousand People. This infectious Distemper prevented the King and Council in their Intentions of calling a Parliament, so soon as it was usual on a new Accession ; and, it was not till the Beginning of the next Year that the Writs were sent out for summoning one to meet at *Westminster*, on the 19th of *March*, still in the first Year of this Reign. But, at the same Time, a Proclamation came out, containing some Injunctions for electing Members in the House of Commons, which, though unusual, prescribes a Method, which we think not unworthy of being followed in this, or any succeeding Parliament.

Mr. *Rapin* tells us (b), That this King openly avowed, 'That the Privileges of this Nation and Parliament were so many Usurpations, or at best, but revocable Concessions of the Crown ; and that he had formed a Design, to free both himself and Successors, from the Restraint which the Laws, Customs, and Privileges of the *English* Nation had laid upon his Predecessors. In the first Parliament he called, he takes upon him to prescribe what Sort of Members should be elected, both in the Writs, and in the Proclamation ; not by way of Exhortation, as former Kings had done, but by way of Command,

(b) *Rapin's Hist. of England*, Vol. II. p. 163. Fol. Edit.

Command, and as Conditions without which they should not be admitted into the House.' An. 1 James I.
1603.

The Whole of this Assertion is borrowed from a Work entitled, *A Detection of the Court and State of England, during the four last Reigns, and the Inter-Regnum*, by *Roger Coke, Esq. (c)*. This Author goes further than even *Rapin* thinks fit to copy; for he boldly tells us, 'That there never was such a Prelude to the Meeting of a Parliament, by any of the Kings of *England*, either of *Saxon, Danish, Norman, or British Race*.' These Parliamentary Enquiries do prove this to be false; by several Instances of Instructions for influencing Elections, before this Time, much more open than this before us. Particularly, so late as the Reign of King *Edward VI.* when, besides Instructions for chusing a new Parliament, the King sent Letters to the Sheriffs, and actually named the very Men they were to elect (*d*).

To prove *Coke's* Assertion, that Author hath given us a short Abstract, from a long Proclamation for calling this Parliament; but, how unfairly quoted, will best be seen by publishing the Whole of it from the *Collection of Public Acts*. From whence, it will plainly appear to every impartial Reader, that it contains nothing but wholesome Admonitions to the People of *England*, to elect such Members as were most likely to serve them. It is well known that one Paragraph picked out of a Book, or other Writing, may be much prevaricated; like several Texts of Scripture, which, without the Context, may be turned into Blasphemy. But, we submit the whole to the Reader's Judgment, in its own Language and Orthography; observing that the Part *Coke* and *Rapin* only make use of, is particularly marked in *Italics*, to shew the Integrity of those Historians.

A 2

The

(c) Three Vols. 8vo, London, 1694, Vol. I. p. 34.

(d) See the Letters Mandatory of *Edward VI.* and *Mary*, in our Third Vol. p. 265, and 311.

An. 1. James I. *The King's PROCLAMATION touching the*
1603. PARLIAMENT (e).

The King's Pro-
clamation for cal-
ling a Parliament.

‘ WEE have before this Tyme made known
‘ to our Subjects uppon dyvers Occasions,
‘ that we have receaved so great Contentment in
‘ their generall Conformity and Submission to all
‘ such Courfes as might best establish the Posses-
‘ sion of this Crowne, according to the Right of
‘ our Succession, as it would ever nourish in us
‘ an earnest Desire to shew our selves carefull in
‘ all Things to preserve their greatest Affection and
‘ to answer that Expectation, which by their joy-
‘ full Manner of Receaving Us Wee perceive
‘ they had conceived of our Government, where-
‘ of as We well knowe that Princes cannot yield
‘ more generall, more cleare or profitable Proof
‘ to their People, then by redressing Abuses
‘ wherewith they fynde their Subjects justlie griev-
‘ ed, either in Constitution or Administration of
‘ their Laws in beeing, or by seeking to establish
‘ newe Laws for them agreeable to the Rules of
‘ Justice, whensoever Tyme doth discover any
‘ Defectes in the former Policy, or when Acci-
‘ dents in the State of any Commonwealth re-
‘ quier newe Ordinaunces; so seeing both these
‘ Things, which are of soe greate Moment in a
‘ State, have accustomed to be considered and or-
‘ dered, as in this, soe in other well governed
‘ Commonwealthes, by a lawfull Assemblie of the
‘ three Estates of the Realme, commonly called
‘ the Parliament, wee were desirous to have sum-
‘ moned them long since for that Purpose, if the
‘ Infection, reygning in the Citie of *London* and
‘ other Places of our Kingdome would have per-
‘ mitted the Concourse of soe great a Multitude
‘ into one Place as that Assemblie must necessarlie
‘ brynge with it; which great Contagion being
‘ now, by the Goodness of God, abated, and
‘ likelie, as We hope, to be shortly quite extin-
‘ guished in and about the said Citie, We have
‘ resolved

(e) *Rymer's Fœdera*, Tom. XVI. p. 561.

resolved to hold a Parliament at our Citie of *Westminster*, as soon as We shall find that the same may be done without the Perill aforesaid; in which, as God knows that We have nothing to propound for Satisfaction of any private Desier or particular Profit of our own, but meerly and only to consult and resolve with our loving Subjects of all those Things which may best establish the Publicke Good, with the Generall Safety and Tranquillity of this Realme, on which it had pleased God to multiply soe many Blessings; so to the Intent that this Assemblie of oure Parliament, being groundd uppon so sincere an Intent on oure Parte, may be matched with a like Integritye on theirs, and as it is the first in our Reigne, so to be founde not only worthy of the high Title it beareth to be the highest Councell of the Kingdome, but also to be a President for hereafter of the true Use of Parliaments, Wee have bethought our selfe of as many Waies and Meanes as may be, to prevent those Inconveniencies, which daylie rise and multiply by the perverting of those auncient good Orders which were devised, by the Wisdome of former Times, to be observed in Calling of Parliaments; Amongst which, because there is no one Poynte of greater Consequence then the well chosying of Knights and Burgeesses, whoe as they doe present the Bodie of the thirde Estate; soe, being eligible by Multitude, there are often many unfit Persons appoynted for that Service, and where it is soe well knowne to every private Man of Wit and Judgment, much more to Us who have had soe longe Experience of Kingly Government, how ill Effectes doe followe, when such as have to doe in Matters of Commonwealth shall come to that greate and Common Councell, with others then publick Myndes, sincere, and void of any factious Humour or Dependency.

Wee doe hereby straightly charge and admonish all Persons interessed in the Choice of
A 3 Knights

Ap. 1 James I.
1603.

‘ Knights for the Shires, first, That the Knights
 ‘ for the County be selected oute of the principall
 ‘ Knights or Gentlemen of sufficient Hability
 ‘ within that County wherein they are chosen ;
 ‘ and for the Burgeses, that Choice be made of
 ‘ Men of Sufficiency and Discretion, without any
 ‘ partiall Respects or factious Combynation, which
 ‘ alwaies breede Suspitions that more Care is ta-
 ‘ ken to compasse private Endes then to provide
 ‘ for making good and wholesome Laws for the
 ‘ Realme ; and because it is noe more possible to
 ‘ drawe founde Councelles and Resolutions from
 ‘ inconsiderate or insufficient Spirites, then to have
 ‘ a founde or healthfull Bodie composed of weak
 ‘ and imperfect Members ; Wee see likewise ad-
 ‘ monyshe all Persons to whome it doth apper-
 ‘ teyne, that seeing the Dealyng in Causes of
 ‘ Parliament requires Conveniency of Years and
 ‘ Experience, there may be great Heed taken, by
 ‘ all those that will be accounted Lovers of their
 ‘ Countrie, that both Knights and Burgeses
 ‘ may be chosen accordingly, without Desier in
 ‘ any particular Men to please Parents or Friends
 ‘ that often speak for their Children or Kyn,
 ‘ though they be very young and little hable to
 ‘ discern what Laws are syt to bynde a Com-
 ‘ monwealth ; To the Consultation whereof those
 ‘ Persons should be selected Principallie, of whose
 ‘ Gravity and modest Conversation Men are likest
 ‘ generally to conceave best Opynion. Next and
 ‘ above all Things consideryng, that one of the
 ‘ mayne Pillers of this Estate is the Preservation of
 ‘ Unity in the Profession of sincere Religion of
 ‘ Almighty God, Wee doe also admonyshe that
 ‘ there be great Care taken to avoyde the Choice
 ‘ of any Persons, either noted for their superstitious
 ‘ Blyndnes one Way, or for their turbulent Hu-
 ‘ mours other Waies, because their disorderly and
 ‘ unquiete Spirites will disturbe all the discreete
 ‘ and modest Proceeding in that greatest and gravest
 ‘ Councell.’

‘ Fur-

of ENGLAND.

7

‘ Further, Wee doe commaunde, that an ex-
 ‘ presse Care be had that there be not chosen any
 ‘ Person Banqueruptes or outelawed, but Men
 ‘ of known good Behaviour and sufficient Liveli-
 ‘ hood, and such as are not onely taxed to the
 ‘ Payment of Subsidies and other like Charges,
 ‘ but also have ordinarily paid and satisfied the
 ‘ same, nothing being more absurd in any Com-
 ‘ monwealth than to permytt those to have free
 ‘ Voyees for Law making, by whose owne Actes
 ‘ they are exempted from the Law’s Protection.
 ‘ Next that all Sheriffs be charged that they
 ‘ doe not direct any Precept for electyng and re-
 ‘ turning of any Burgeses to or for any auncient
 ‘ Borough Town within their Counties, beyng
 ‘ soe utterly ruyned and decayed that there are not
 ‘ sufficient Refyantes to make such Choice, and of
 ‘ whome lawfull Election may be made; also to
 ‘ charge all Cities and Boroughes, and the Inhabi-
 ‘ tantes of the same, that none of them seale any
 ‘ Blankes, referryng or leaving to any other to
 ‘ insert the Names of any Citizens or Burgeses
 ‘ to serve for any such Cittie or Borough, but doe
 ‘ make open and free Election according to the
 ‘ Lawe, and sett down the Names of the Persons
 ‘ whom they choose before they seale the Certi-
 ‘ ficate.’

An. 1 James I.
1603.

‘ Furthermore, Wee notisye by these Presentes,
 ‘ that all Retornes and Certificates of Knightes, Citi-
 ‘ zens, and Burgeses oughte and are to be brought to
 ‘ the Chauncery, and there to be fyled of Record;
 ‘ and if any shall be founde to be made contrarie to
 ‘ this Proclamation, the same is to be rejected as un-
 ‘ lawfull and insufficient, and the Cittie or Borough
 ‘ to be fyned for the same; and if it be founde that
 ‘ they have commytted any grosse or willfull Default
 ‘ and Contempt in their Election, Retorne or Certifi-
 ‘ cate, that then their Liberties, according to the
 ‘ Lawe, are to be seized into oure Handes as for-
 ‘ feited; and if any Person take upon him the Place
 ‘ of a Knight, Citizen, or Burgesse, not being duely
 ‘ Elected, Retorned and Sworne, according to the

A 4

‘ Laws

An. 1 James I.
1603.

‘ *Laws and Statutes in that Behalfe provided, and according to the Purport, Effect, and true Meaning of this oure Proclamation; then every Person soe offending, to be fyned and imprisoned for the same.*’

‘ Wee doe also hereby give warning to the Lordes and others that are to serve in this Parliament, to have speciall Care, as they tender our Displeasure, that they admytt none to have the Name or Countenance of their Servaunts and Attendantes during the Parliament, thereby to be priviledged, seying such Questions of Priviledges have in Tymes past consumed a great Part of the Tyme appointed for the Parliament, whereby the Service of the Realme hath bene hyndered, and the Subjects drawne to great Charges and Expences by attendyng much longer than otherwise needed.

‘ Having at this Tyme bene the more carefull to set downe a particular Order and Forewarning for preventing of these severall Abuses aforementioned, that thereby there may arise, at that publick and solemne Meeting, such a comely Proportion and laudable Sympathie between the honourable, juste and necessarie Lawes that are to be made and established at this Parliament, and the commendable Discretion, with all other wise and vertuous Qualities, meete for such Persons as are to be the Members and Assisters of Us in soe honorable, lawfull, and necessarie an Action, as may put us and all our good Subjects in a suer Expectation of a happie Issue to followe thereupon; Wee doubt not but these our Directions, thus made manifest, shall be duely observed accordyng to the important Consequence thereof, and the Ferill of oure heavye Displeasure to all those that shall offende in the contrarie.’

Given at our Honour of *Hampton Courte*,
the Eleventh Day of *Januarie*.

Per ipsum Regem.

It must be owned by every impartial Reader, An. 1 James I.
1603. that these were noble Injunctions, and, if rightly followed, will always be the Means to have a free and independent Parliament. What Success they had in the Choice of the Members, then elected by the Writs sent out along with the Proclamation, will best appear by their Conduct in the Sequel. We have recovered from a Manuscript of the same Age, the Names of all the Members of the House of Commons who sat in this Parliament: And, as it hath hitherto been customary for us to give the State of the Peerage, at the Beginning of every Reign; so here we think proper to subjoin to it the Names of all those Gentlemen, who then constituted the Lower House of Parliament.

The Names and Titles of all the Temporal Lords, called, by Writ, to the first Parliament of King James I. (f)

The first Writ was directed to Sir Thomas Egerton, Knt. Lord Ellesmere, a little Time before, made Lord High-Chancellor of England (g).

T HOMAS, Earl of Dorset, Lord High-Treasurer.	Gilbert, E. of Shrewsbury.	State of the Peerage.
William, Marq. of Winchester, Lord Great-Chamberlain.	William, E. of Derby.	
Edward, E. of Worcester, Earl-Marshal.	Henry, E. of Kent.	
Charles, E. of Nottingham, Lord High-Admiral, and High-Steward.	Roger, E. of Rutland.	
Thomas, E. of Suffolk, Chamberlain of the Household.	George, E. of Cumberland.	
Henry, E. of Northumberland.	Robert, E. of Sussex.	
	George, E. of Huntingdon.	
	William, E. of Bath.	
	Henry, E. of Southampton.	
	Edward, E. of Bedford.	
	William, E. of Pembroke.	
	Henry, E. of Lincoln.	
	Charles, E. of Devon.	
	Hen. E. of Northampton.	
	Thomas,	

(f) Dugdale's Summons to Parliament; — But the List there being very faulty, the Errors are corrected by the Lord's Journals.

(g) The Head of the Bridgewater Family. — In Dugdale's Baronage, Vol. II. he is called Lord-Keeper.

An. 1 James I.
1603.

Thomas, E. of Exeter.
Philip, E. of Montgo-
merie.
Thomas, E. of Arundel.
Anthony, Visc. Montague.
Thomas, Visc. Howard,
of Byndon.
George Tuchet, L. Audley.
Edward Zouch, L. Zouch.
Thomas West, L. Dela-
ware.
Henry Berkly, L. Berkley.
Edward Parker, L. Mor-
ley.
Edward Stafford, L. Staf-
ford.
Thomas, L. Scrope of
Bolton.
Edward Sutton, L. Dud-
ley.
John Lumley, L. Lumley.
Edward Stourton, L.
Stourton.
Henry, L. Herbert, el-
dest Son to the Earl of
Worcester.
John Darcie, L. Darcie,
of Menell.
William Parker, L. Mon-
tegle, eldest Son to
L. Morley.
William, L. Sandys, of
Vyne.
Henry, L. Windsor.
Henry, L. Mordaunt.
Edward, L. Cromwel.
Ralph, L. Evers.
Philip, L. Wharton of
Wharton.
Robert, L. Riche.
Cuthbert Ogle, L. Ogle.

Tho. Cecil, L. Burghley.
Charles, L. Willoughby,
of Parham.
Edmond, L. Sheffield.
Thomas, L. Darcie, of
Ebiche.
William, L. Howard, of
Effingham, eldest Son
to the E. of Notting-
ham.
William, L. Chandois,
of Sudeley.
John Carye, L. Hunsden.
Oliver, L. St. John, of
Bletso.
William, L. Compton.
Francis, L. Norris, of
Rycot.
Robert, L. Cecil, of
Effingham, Principal-
Secretary of State.
Robert, L. Sidney, of
Penhurst.
William, L. Knollys, of
Grays.
Edward, L. Wotton, of
Marley.
Francis, L. Russel, of
Thornhaugh.
Henry, L. Grey, of Groby.
John, L. Petre, of Writtle.
John, L. Harrington, of
Eaton.
Henry, L. Danvers, of
Dantsey.
Thomas, L. Gerard, of
Gerard's Bromley.
Robert, L. Spenser, of
Wormleyton.
Richard Fynes, L. Say
and Sele.

John,

of ENGLAND.

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<i>John, L. Stanhope, of Harrington.</i>	<i>Theophilus, L. Howard, An. 1 James I. 1603.</i>
<i>Thomas, L. Arundel, of Warder.</i>	<i>of Walden, eldest Son to the E. of Suffolk.</i>
<i>William, L. Cavendish, of Hardwick.</i>	<i>Edward, L. Denney, of Waltham.</i>
<i>Francis, L. North, of Kiriling.</i>	<i>George, L. Carew, of Clopton.</i>
<i>Edward, L. Nevile, of Bergavenny.</i>	<i>Thomas, L. Clinton, of Say, eldest Son to the E. of Lincoln.</i>

The Names of all the Members of the House of Commons, returned to serve in Parliament the 1st of James I. Anno 1603. with the Places they served for (f).

BEDFORDSHIRE.

OLIVER *St John, Esq.*
Sir Edward Radcliffe, Knt.
Bedford T.
Sir Christ. Hatton, Knt.
Thomas Hawes, Gent.

BUCKS.

Sir Francis Goodwyn, Knt.
Sir Wil. Fleetwood, Knt.
Buckingham T.
Sir Thomas Denton, Knt.
Sir Edward Terrels, Knt.
Wiccombe B.
Sir John Townshend, Knt.
Henry Fleetwood, Esq.
Aylesbury B.
Sir William Burlace, Knt.
Sir William Smith, Knt.

BERKS.

Sir Henry Nevile, Knt. List of the House of Commons.
Sir Francis Knollis, Knt.
New-Windsor B.
Samuel Barkhouse, Esq.
Sir Francis Howard, Knt.
Reading B.
Sir Jeronimus Bowes, Knt.
Francis Moore, Esq.
Wallingford B.
Sir William Dunch, Knt.
Christopher Payne, Gent.
Abington B.
Sir Richard Lovelace, Knt.

CORNWALL.

Sir Wil. Godolphin, Knt.
Sir Anthony Rowse, Knt.
Dunbivid, alias Launceston, B.
Sir Thomas Lake, Knt.
Ambrose

(f) The Manuscript is in Latin, and bears this Title. *Nemina Militum Comitatum, Civium Civitatum, et Burgensium Villarum, sive Burgorum, ac Baronum quinque Portuum, veniendorum ad Parliamentum, summonitum apud Civitatem Westmonasterij, decimo nono Die Martij, Anno Regis Jacobi, Angliæ, Franciæ, et Hiberniæ primo, et Scotiæ tricesimo septimo, 1603.*

EDWARDUS PHELLIPS Miles, Prolecurator.

An. 1 James I. *Ambrose Rowse*, Esq.
1603.

Leskard B.
Sir *Wil. Killegrew*, Knt.
Reginald Nichols, Esq.
Lestwithiel B.
Sir *Tho. Chaloner*, Knt.
Sir *Wil. Lower*, Knt.
Truro B.
Thomas Burgefs, Esq.
Henry Cossen, Esq.
Bodmyn B.
John Stone, Gent.
Richard Spray, Gent.
Helston B.
Sir *John Leigh*, Knt.
Robert Nanton, Esq.
Saltafb B.
Sir *Rob. Mainwood*, Knt.
Thomas Pyvel, Gent.
Camelford B.
John Good, Esq.
Anthony Turpin, Gent.
Portpigham, alias
Westlowe B.
Sir *William Wade*, Knt.
Sir *Henry Goodyer*, Knt.
Grampound B.
Sir *Fran. Barnham*, Knt.
William Noye, Esq.
Eastlowe B.
Sir *Robert Philips*, Knt.
Sir *John Parker*, Knt.
Penryn B.
Sir *Edward Conway*, Knt.
Sir *Wil. Maynard*, Knt.
Tregoney B.
Henry Pomeroy, Esq.
Richard Carvoigh, Gent.
Bossiney B.
Sir *Jeronimus Horsey*, Knt.
George Calvert, Esq.

St. Ives B.
William Brook, Esq.
John Tregenna, Gent.
Fowey B.
Francis Vivian, Esq.
Henry Peeter, Gent.
St. Germans B.
Sir *George Carew*, Knt.
John Trott, Gent.
Michel B.
William Carpe, Esq.
William Hackwill, Esq.
Newport B.
Sir *Edward Seymour*, Knt.
Sir *Rob. Killegrewe*, Knt.
St. Mawes B.
Sir *John Specott*, Knt.
Dudley Charlton, Esq.
Kellington B.
William Rolle, Gent.
Sir *Rog. Wilbraham*, Knt.

CUMBERLAND.

William Lawson, Esq.
Edward Musgrave, Esq.
Carlisle C.
Thomas Blenerhasset, Esq.
William Barwick, Esq.

CAMBRIDGESHIRE.

Sir *John Peyton*, Knt.
Sir *John Cuttes*, Knt.
Cambridge T.
Robert Wallys, Alderman.
John Yaxley, Alderman.
Cambridge-University.
Nicholas Stiward, LL.D.
Henry Mowtelow, LL.D.

CHESHIRE.

Sir *Thomas Holcroft*, Knt.
Sir *Roger Astone*, Knt.
Chester

of ENGLAND.

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AN. 1. James I.
1603.

Chester C.

Thomas Gamul, Esq.

Hugh Glasier, Esq.

DERBYSHIRE.

Sir John Harpur, Knt.

William Knyttton, Esq.

Derby T.

John Baxter, Gent.

Edward Sleighe, Gent.

DEVONSHIRE.

Sir John Ackland, Knt.

Edward Seymor, Esq.

Exeter C.

George Smith, Esq.

John Prowze, Gent.

Totness B.

Christ. Brooking, Merch.

Walter Dottyn, Merch.

Plymouth B.

Sir Rich. Hawkins, Knt.

James Bagge, Gent.

Barnestaple B.

Thomas Hinson, Esq.

George Peard, Gent.

Plimpton B.

Sir William Strood, Knt.

Warwick Heale, Gent.

Tavistoke B.

Sir George Fleetwood, Knt.

Edw. Duncombe, Gent.

Dartmouth, Clifton,

Hardness, B.

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An. 1 James I. Edward Ferrers, Gent.
1603.

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1603.

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B

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1603.

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An. 1 James I.
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Sir James Perrot, Knt.

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James Price, Esq.

Radnor T.

Sir Robert Harley, Knt.

On the 19th Day of *March* 1603, which was
Anno Regni 1, still within the first Year of this Reign, the Parlia-
ment met at *Westminster*. The King came in a
At Westminster. Chariot of Estate; Prince *Henry*, with all the
Lords Spiritual and Temporal, according to ancient
Custom, rode on Horse-back from *Whitehall* to
Westminster, in their Parliament-Robes. When
the King being seated on the Throne, it pleased his
Majesty, in Person, to declare the Cause of the
Summons to the two Houses, in the following
Speech.

Mj

My Lords of the Higher House, and You Knights and Burgesſes of the Lower, An. 1 James I. 1603.

‘ I T did no ſooner pleaſe God to lighten his Hand, and relent the Violence of his devouring Angel againſt the poor People of this City, but as ſoon did I reſolve to call this Parliament, and that for three chief and principal Reaſons.

The King's
Speech to His
firſt Parliament.

‘ The firſt whereof is (and which of itſelf, tho’ there were no more, is not only a ſufficient, but a moſt full and neceſſary Ground and Reaſon for convening of this Aſſembly) the firſt Reaſon, I ſay, is, That you who are here preſently aſſembled to repreſent the Body of this whole Kingdom, and of all Sorts of People within the ſame, may with your own Ears hear, and that I out of my own Mouth may deliver unto you, the Aſſurance of my due Thankfulneſs for your ſo joyful and general Applauſe, to the declaring and receiving me in this Seat (which God, by my Birth-Right, and lineal Deſcent, had, in the Fulneſs of Time, provided for me) and that immediately after it pleaſed God to call your late Sovereign, of famous Memory, full of Days, but fuller of immortal Trophies of Honour, out of this tranſitory Life. Not that I am able to expreſs by Words, or utter by Eloquence, the vive Image of mine inward Thankfulneſs; but only that out of my own Mouth, you may reſt aſſured to expect that Meaſure of Thankfulneſs at my Hands, which is according to the Infinite-neſs of your Deſerts, and to my Inclination and Ability, for Requital of the ſame. Shall I ever, nay, can I ever be able, or rather ſo unable in Memory, as to forget your unexpected Readineſs and Alacrity, your ever-memorable Reſolution, and your moſt wonderful Conjunction and Harmony of your Hearts, in declaring and embracing me as your undoubted and lawful King and Governor? Or ſhall it ever be blotted out of my Mind, how at my firſt Entry into this Kingdom, the People of all Sorts rid and ran, nay, rather flew to meet me? Their Eyes flam-

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ing nothing but Sparkles of Affection, their Mouths and Tongues uttering nothing but Sounds of Joy; their Hands, Feet, and all the rest of their Members in their Gestures, discovering a passionate Longing, and Earnestness to meet and embrace their new Sovereign. *Quid ergo retribuam?* Shall I allow in myself that which I could never bear with in another? No, I must plainly and freely confess here, in all your Audiences, that I did ever naturally so far dislike a Tongue too smooth, and diligent in paying their Creditors, with Lip-Payment and verbal Thanks, as I ever suspected that Sort of People meant not to pay their Debts in more substantial Sort of Coin. And therefore for expressing of my Thankfulness, I must resort unto the other two Reasons of my convening of this Parliament, by them in Action to utter my Thankfulness: Both the said Reasons having but one Ground, which is the Deeds whereby all the Days of my Life, I am, by God's Grace, to express my said Thankfulness towards you, but divided in this; That in the first of these two, mine Actions of Thanks are so inseparably conjoined with my Person, as they are in a Manner become individually annexed to the same. In the other Reason, mine Actions are such, as I may either do them, or leave them undone, tho', by God's Grace, I hope never to be weary of the doing them.

As to the first, it is the Blessings which God hath, in my Person, bestowed upon you all, wherein I protest, I do more glory at the same for your Weal, than for any particular respect of my own Reputation or Advantage therein.

The first then of the Blessings, which God hath jointly with my Person sent unto you, is outward Peace; that is, Peace Abroad with all Foreign Neighbours: For, I thank God, I may justly say, that never since I was a King, I either received Wrong of any other Christian Prince or State, or did Wrong to any: I have ever, I praise God, yet kept Peace and Amity with all, which

which hath been so far tied to my Person, as at
 my coming here you are Witnesses, I found the
 Seate embarked in a great and tedious War, and
 only by mine Arrival here, and by the Peace in
 my Person, is now Amity kept, where War was
 before, which is no small Blessing to a Christian
 Common-Wealth: For by Peace Abroad with
 their Neighbours the Towns flourish, the Mer-
 chants become rich, the Trade doth increase,
 and the People of all Sorts in the Land enjoy
 free Liberty to exercise themselves in their sever-
 al Vocations, without Peril or Disturbance.
 Not that I think this outward Peace so unsepara-
 bly tied to my Person, as I dare assuredly promise
 to myself, and to you, the certain Continuance
 thereof; but thus far I can very well assure you,
 and, on the Word of a King, promise unto you,
 that I shall never give the first Occasion of the
 Breach thereof; neither shall I ever be moved
 for any Particular, or private Passion of Mind,
 to interrupt your Public Peace, except I be for-
 ced thereunto, either for Reparation of the Ho-
 nour of the Kingdom, or else by Necessity for the
 Weal and Preservation of the same: In which
 Case, a secure and honourable War must be pre-
 ferred to an unsecure and dishonourable Peace.
 Yet I do hope, by my Experience of the by-past
 Blessings of Peace, which God hath so long,
 ever since my Birth, bestowed upon me, that
 he will not be weary to continue the same, nor
 repent him of his Grace towards me; transfer-
 ring that Sentence of King *David's* upon his by-
 past Victories of War, to mine of Peace; that
 that God who preserved me from the devouring
 Jaws of the Bear, and of the Lion, and delivered
 them into my Hand, shall now also grant me
 Victory over that uncircumcised *Philistine*.

But although outward Peace be a great Blef-
 sing, yet it is as far inferior to Peace within, as
 Civil Wars are more cruel and unnatural than
 Wars Abroad. And therefore the second great
 Blessing that God hath, with my Person, sent unto

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you, is Peace within, and that in a double Form:
 First, by my Descent lineally out of the Loins
 of *Henry VII.* is re-united and confirmed in me
 the Union of the two Princely Roses of the two
 Houses of *Lancaster* and *York*, whereof that
 King, of happy Memory, was the first Uniter,
 as he was also the first Ground-layer of the other
 Peace (the lamentable and miserable Events, by
 the civil and bloody Diffension betwixt these two
 Houses were so great, and so late, as it need not
 be renewed unto your Memories) which as it was
 first settled and united in him, so it is now re-
 united and confirmed in me; being justly and
 lineally descended, not only of that happy Con-
 junction, but of both the Branches thereof in
 many Times before. But the Union of these two
 Princely Houses is nothing comparable to the
 Union of two ancient and famous Kingdoms,
 which is the other inward Peace annexed to
 my Person.

And here I must crave your Patience for a lit-
 tle Space, to give me Leave to discourse more
 particularly of the Benefits that do arise of that
 Union which is made in my Blood, being a Mat-
 ter that belongeth most properly to me to speak
 of, as the Head, wherein that great Body is
 united. And first, if we were to look no higher
 than to Natural and Physical Reasons, we may
 easily be persuaded of the great Benefits that by
 that Union do redound to the whole Island: For
 if twenty thousand Men be a strong Army, is not
 the Double thereof, forty thousand, a double the
 stronger Army? If a Baron enricheth himself with
 double as many Lands as he had before, is he not
 double the greater? Nature teacheth us, that
 Mountains are made of Motes; and that at first,
 Kingdoms being divided, and every particular
 Town, or little County (as Tyrants or Usur-
 pers could obtain the Possession) a Signory
 apart, many of these little Kingdoms are now in
 Process of Time, by the Ordinance of God,
 joined into great Monarchies, whereby they are
 become

become powerful within themselves, to defend An. 1 James I. 1603.
 themselves from all outward Invasions, and their
 Head and Governor thereby enabled to redeem
 them from Foreign Assaults, and punish private
 Transgressions within. Do we do not yet re-
 member that this Kingdom was divided into
 seven little Kingdoms, besides *Wales*? And is it
 not now the stronger by their Union? And hath
 not the Union of *Wales* to *England* added a
 greater Strength thereto? Which, though it was
 a great Principality, was nothing comparable in
 Greatness and Power to the ancient and famous
 Kingdom of *Scotland*. But what shall we stick
 upon any natural Appearance, when it is mani-
 fest, that God, by his Almighty Providence,
 hath pre-ordained it so to be? Hath not God
 first united these two Kingdoms, both in Lan-
 guage and Religion, and Similitude of Manners?
 Yea, hath he not made us all in one Island, com-
 passed with one Sea, and of itself, by Nature, so
 indivisible, as almost those that were Borderers
 themselves on the late Borders, cannot distin-
 guish, nor know, or discern their own Limits?
 These two Countries being separated neither by
 Sea nor great River, Mountain nor other
 Strength of Nature, but only by little small
 Brooks, or demolished little Walls, so as rather
 they were divided in Apprehension, than in Ef-
 fect; and now in the End and Fulness of Time
 united, the Right and Title of both in my Per-
 son, alike lineally descended of both the Crowns,
 whereby it is now become a little World within
 itself, being intrenched and fortified round about
 with a natural, and yet admirable, strong Pond
 or Ditch, whereby all the former Fears of this Na-
 tion are now quite cut off: The other Part of the
 Island being ever before now, not only the Place
 of landing to all Strangers that were to make In-
 vasion here, but likewise moved by the Enemies
 of this State, by untimely IncurSIONs, to make
 inforced Diversion from their Conquests, for
 defending themselves at Home, and keeping
 sure

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‘ sure their Back-Door, as then it was called,
‘ which was the greatest Hindrance and Lett my
‘ Predecessors of this Nation ever got, in disturb-
‘ ing them from their many famous and glorious
‘ Conquests Abroad: *What God hath conjoined then,*
‘ *let no Man separate.* I am the Husband, and all
‘ the whole Island is my lawful Wife; I am the
‘ Head, and it is my Body; I am the Shepherd,
‘ and it is my Flock: I hope, therefore, no Man
‘ will be so unreasonable as to think that I, that am
‘ a Christian King under the Gospel, should be a
‘ Polygamist, the Husband to two Wives; that I
‘ being the Head, should have a divided and mon-
‘ strous Body; or that being the Shepherd of so
‘ fair a Flock (whose Fold hath no Wall to fence
‘ it but the four Seas) should have my Flock parted
‘ in two. But as I am assured, that no honest
‘ Subject, of whatsoever Degree, within my whole
‘ Dominions, is less glad of this joyful Union
‘ that I am; so may the frivolous Objection of
‘ any that would be Hinderers of this Work
‘ (which God hath in my Person already establish-
‘ ed) be easily answered; which can be none, ex-
‘ cept such as are either blinded with Ignorance, or
‘ else transported with Malice, being unable to
‘ live in a well-governed Common-Wealth, and
‘ only delighting to fish in troubled Waters: For
‘ if they would stand upon their Reputation, and
‘ Privileges of any of the Kingdoms; I pray you,
‘ were not both of the Kingdoms Monarchies from
‘ the Beginning? And, consequently, could ever
‘ the Body be counted without the Head, which
‘ was ever unseparably joined thereunto? So that
‘ as the Honour and Privileges of any of the King-
‘ doms could not be divided from their Sovereign;
‘ so are they now confounded and joined in my
‘ Person, who am equal and alike kindly Head to
‘ both. When this Kingdom of *England* was
‘ divided into so many petty Kingdoms (as I told
‘ you before) one of them eat up another, till they
‘ were all united into One. And yet can *Wilt-*
‘ *shire* or *Devonshire*, which were of the *West-Sax-*

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ons (although their Kingdom of longest Durance, An. 1 James 3.
and did, by Conquest, overcome divers of the 1603.
rest of the little Kingdoms) make Claim to Priority
of Place or Honour before *Sussex*, *Essex*, or other
Shires, which were conquered by them? And
have we not the like Experience in the Kingdom
of *France*, being composed of divers Duchies,
and one after another conquered by the Sword?
For even as little Brooks lose their Names by
running and falling into great Rivers, and the
very Name and Memory of great Rivers swal-
lowed up in the Ocean: So by the Conjunction
of divers little Kingdoms into One, are all these
private Differences and Questions swallowed up.
And since the Success was happy of the *Saxon*
Kingdoms, conquered by the Spear of *Bellona*;
now much greater Reason have we to expect a
happy Issue of this greater Union, which is only
fastened and bound up by the Wedding-Ring of
Astrea? And as God hath made *Scotland* (the
one Half of this Island) to enjoy my Birth, and
the first and most imperfect Half of my Life;
and you here to enjoy the perfect and last Half
thereof: So can I not think that any would be
so injurious to me, no, not in their Thoughts and
Wishes, as to cut asunder the one Half of me
from the other. But in this Matter I have far
enough insisted, resting assured, that in your
Hearts and Minds you all applaud this my Dis-
course.

Now although these Blessings (before rehearsed)
of inward and outward Peace be great; yet see-
ing that in all good Things a great Part of their
Goodness and Estimation is lost, if they have
not Appearance of Perpetuity or long Continu-
ance: So hath it pleased Almighty God to accom-
pany my Person also with that Favour, having
healthful and hopeful Issue of my Body (whereof
some are here present) for Continuance and Pro-
pagation of that undoubted Right which is in my
Person; under whom I doubt not but it will
please God to prosper and continue for many
Years

Ans. 1 James I. ' Years this Union, and all other Blessings of in-
1603. ' ward and outward Peace, which I have brought
' with me.

' But neither Peace outward, nor Peace inward,
' nor any other Blessing that can follow thereupon,
' nor Appearance of the Perpetuity thereof, by
' Propagation in Posterity, are but weak Pillars,
' and rotten Reeds to lean unto; if God doth not
' strengthen, and, by the Staff of his Blessing,
' make them durable; for in Vain doth the Watch-
' man watch the City, if the Lord be not the
' principal Defence thereof; in Vain doth the
' Builder build the House, if God give not the
' Success; and in Vain (as *Paul* saith) doth *Paul*
' plant, and *Apollos* water, if God give not the
' Increase; for all Wordly Blessings are but like
' swift passing Shadows, fading Flowers, or Chaff
' blown before the Wind, if by the Profession of
' true Religion, and Works according thereunto,
' God be not moved to maintain and settle the
' Thrones of Princes. And, although, that since
' mine Entry into this Kingdom, I have both by
' meeting with divers of the Ecclesiastical Estate,
' and likewise by divers Proclamations clearly de-
' clared my Mind in Points of Religion; yet do I
' not think it amiss, in this so solemn an Audience,
' to take Occasion to discover somewhat of the
' Secrets of my Heart in that Matter. For I shall
' never (with God's Grace) be ashamed to make
' publick Profession thereof upon all Occasions, lest
' God should be ashamed of me before Men and
' Angels; especially, lest at this Time Men might
' presume further, upon the Mis-knowledge of my
' Meaning, to trouble this Parliament of ours than
' were convenient.

' At my first coming, although I found but one
' Religion, and that which by myself is professed,
' publickly allowed, and by the Law maintained;
' yet found I another Sort of Religion, besides a
' private Sect, lurking within the Bowels of this
' Nation. The first is the true Religion, which
' by me is professed, and by Law is established:

' The

‘ The second is, the falsly called Catholics, but
‘ truly Papiſts: The third which I call a Sect ra-
‘ ther than a Religion, is the Puritans and Novel-
‘ iſt; who do not ſo far differ from us in Points
‘ of Religion, as in their confuſed Form of Policy
‘ and Parity; being ever diſcontented with the
‘ preſent Government, and impatient to ſuffer any
‘ Superiority, which maketh their Sects inſuffer-
‘ able in any well-governed Common-Wealth.
‘ But as for my Courſe towards them, I remit it
‘ to my Proclamations made upon that Subject.’

‘ And now for the Papiſts, I muſt put a Differ-
‘ ence betwixt mine own private Profeſſion of
‘ mine own Salvation, and my politick Govern-
‘ ment of the Realm for the Weal and Quietneſs
‘ thereof. As for mine own Profeſſion, you
‘ have me your Head now amongſt you of the
‘ ſame Religion that the Body is of. As I am
‘ no Stranger to you in Blood, no more am I
‘ a Stranger to you in Faith, or in the Matters
‘ concerning the Houſe of God. And although
‘ this my Profeſſion be according to mine Edu-
‘ cation, wherein (I thank God) I ſucked the
‘ Milk of God’s Truth, with the Milk of my
‘ Nurſe: Yet do I here proteſt unto you, that I
‘ would never for ſuch a Conceit of Conſtancy
‘ or other prejudicate Opinion, have ſo firmly kept
‘ my firſt Profeſſion, if I had not found it agree-
‘ able to all Reaſon, and to the Rule of my Con-
‘ ſcience. But I was never violent nor unreaſon-
‘ able in my Profeſſion: I acknowledge the Ro-
‘ man Church to be our Mother Church, although
‘ deſiled with ſome Infirmities and Corruptions, as
‘ the Jews were when they crucified *Chriſt*: And
‘ as I am none Enemy to the Life of a ſick Man,
‘ becauſe I would have his Body purged of ill
‘ Humours; no more am I Enemy to their
‘ Church, becauſe I would have them reform
‘ their Errors, not wiſhing the Down-throwing
‘ of the Temple; but that it might be purged and
‘ cleaned from Corruption: Otherwiſe, How
‘ can they wiſh us to enter, if their Houſe be
‘ not

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not first made clean? But as I would be loathest
to dispense in the least Point of mine own Con-
science for any wordly Respect, than the foolishhest
Presbyterian of them all, so would I be as sorry to
strain the politick Government of the Bodies and
Minds of all my Subjects to my private Opi-
nions: Nay, my Mind was ever so free from
Persecution or Thralling of my Subjects in Mat-
ters of Conscience, as I hope, that those of that
Profession within this Kingdom have a Proof
since my Coming, that I was so far from increas-
ing their Burdens with *Rehoboam*, as I have so
much as either Time, Oecasion, or Law could
permit, lightened them. And even now at this
Time, have I been careful to revise and consider
deeply upon the Laws made against them, that
some Overture may be proponed to the present
Parliament for clearing these Laws, by Reason,
(which is the Soul of the Law) in Case they
have been in Times past further, or more rigo-
rously extended by Judges, than the Meaning of
the Law, was, or might tend, to the Hurt as
well of the innocent as of guilty Persons. And
as to the Persons of my Subjects which are of that
Profession, I must divide them into two Ranks,
Clericks and Layicks; for the Part of the
Layicks, certainly, I ever thought them far more
excusable than the other Sort; because that Sort
of Religion containeth such an ignorant, doubt-
ful, and implicit Kind of Faith in the Layicks
grounded upon their Charch, as except they ge-
nerally believe whatsoever their Teachers please
to affirm, they cannot be thought guilty of these
particular Points of Heresies and Corruptions,
which their Teachers do so wilfully profess. And
again, I must sub-divide the same Layicks into
two Ranks; that is, either quiet and well mind-
ed Men, peaceable Subjects, who either being
old, have retained their first drunken-in Liquor,
upon a certain Shamefacedness to be thought cu-
rious or changeable; or being young Men, thro'
up

evil Education, have never been nursed or brought An. 1 James I.
up, but upon such Venom in place of wholesome 1603.
Nutriment: And that Sort of People, I would be
sorry to punish their Bodies for the Error of their
Minds, the Reformation whereof must only
come of God, and the true Spirit. But the
other Rank of Layicks, who, either through
Curiosity, Affectation of Novelty, or Discon-
tentment in their private Humours, have chang-
ed their Coats, only to be factious Stirrers of
Sedition, and Perturbers of the Common-Wealth;
their Backwardness in their Religion giveth a
Ground to me the Magistrate, to take the better
heed to their Proceedings, and to correct their
Obstinacy. But for the Part of the Clericks, I
must directly say, and affirm, That as long as
they maintain one special Point of their Doctrine,
and another Point of their Practice, they are no
Way sufferable to remain in this Kingdom.
Their Point of Doctrine, is that arrogant and
ambitious Supremacy of their Head, the Pope;
whereby, he not only claims to be Spiritual Head
of all Christians, but also to have an Imperial
Civil Power over all Kings and Emperors; de-
throning and decrowning Princes with his Foot
as pleaseth him; and dispensing and disposing of
all Kingdoms and Empires at his Appetite. The
other Point which they observe in continual
Practice, is the Assassimates and Murders of
Kings; thinking it no Sin, but rather a Matter
of Salvation, to do all Acts of Rebellion and
Hostility against their natural Sovereign Lord,
if he be once cursed, his Subjects discharged of
their Fidelity, and his Kingdom given a Prey by
that three crowned-Monarch, or rather Monster,
their Head. And in this Point, I have no Oc-
casion to speak further here; saying that I could
wish from my Heart, that it would please God
to make me one of the Members of such a gene-
ral Christian Union in Religion, as laying Wil-
fulness aside on both Hands, we might meet in
the Midst, which is the Center and Perfection
of

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of all Things. For, if they would leave, and
 be ashamed of such new and gross Corruptions of
 theirs, as themselves cannot maintain, nor deny
 to be worthy of Reformation; I would, for
 mine own Part, be content to meet them in
 the Mid-Way, so that all Novelties might be
 renounced on either Side. For as my Faith is
 the true, ancient Catholick and Apostolick
 Faith, grounded upon the Scriptures and express
 Word of God; So will I ever yield all Reve-
 rence to Antiquity in the Points of Ecclesiastical
 Policy; and by that Means, shall I ever with
 God's Grace, keep myself from either being an
 Heretick in Faith, or Schismatick in Matters of
 Policy. But of one Thing would I have the
 Papists of this Land to be admonished, That
 they presume not so much upon my Lenity
 (because I would be loath to be thought a Perse-
 cutor) as thereupon, to think it lawful for them
 daily to increase their Number and Strength in
 this Kingdom; whereby, if not in my Time,
 at least in the Time of my Posterity, they might
 be in hope to erect their Religion again. No;
 let them assure themselves, That, as I am a
 Friend to their Persons, if they be good Subjects;
 so am I an avowed Enemy, and do denounce mor-
 tal War to their Errors: And, that as I would be
 sorry to be driven by their ill Behaviour from
 the Protection and Conservation of their Bodies
 and Lives; so will I never cease, as far as I can,
 to tread down their Errors and wrong Opinions.
 For, I could not permit the Increase and
 Growing of their Religion, without First be-
 traying of my self and mine own Conscience:
 Secondly, this whole Isle, as well the Part I
 am come from, as the Part I remain in, in
 betraying their Liberties, and reducing them to
 the former slavish Yoak, which both had cast
 off before I came amongst them: And, Third-
 ly, The Liberty of the Crown in my Posterity,
 which I should leave again in Slavery; having
 found it left free to me by my Predecessors.
 And

And therefore, would I wish all good Subjects, An. r James I. 1603. that are deceived with that Corruption; first, if they find any Beginniug of Instinction in themselves of Knowledge and Love to the Truth, to foster the same by all lawful Means, and to beware of quenching the Spirit that worketh within them; and if they can find as yet no Motion tending that Way, to be studious to read and confer with learned Men; and to use all such Means as may further their Resolution, assuring themselves, that as long as they are conformable in Religion from us, they cannot be but half my Subjects; be able to do but half Service, and I to want the best Half of them, which is their Souls. And here have I Occasion to speak to you my Lords the Bishops: For as you, my Lord of *Durham*, said very learnedly to Day in your Sermon, *Correction without Instruction, is but a Tyranny*; so ought you, and all the Clergy under you, to be more careful, vigilant, and diligent than you have been, to win Souls to God, as well by your exemplary Life, as Doctrine. And since you see how careful they are, sparing neither Labour, Pains, nor extreme Peril of their Persons to divert, (the Devil is so busy a Bishop) ye should be the more careful and wakeful in your Charges. Follow the Rule prescribed you by *St. Paul*, *Be careful to exhort and to instruct in Season and out of Season*; and where you have been any way sluggish before, now waken yourselves up again with a new Diligence in this Point, remitting the Successes to God, who calling them either at the second, third, tenth or twelfth Hour, as they are allike welcome to him, so shall they be to me, his Lieutenant here.

The third Reason of my conveening of you at this Time, which containeth such Actions of my Thankfulness toward you, as I may either do, or leave undone, yet shall, with God's Grace, ever press to perform all the Days of my Life: It consists in these two Points, in making of Laws

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at certain Times, which is only at such Times as this in Parliament, or in the careful Execution thereof at all other Times. As for the making of them, I will thus far faithfully promise unto you, that I will ever prefer the Weal of the Body, and of the whole Common-Wealth, in making of good Laws and Constitutions, to any particular or private Ends of mine, thinking ever the Wealth and Weal of the Common-Wealth to be my greatest Weal and worldly Felicity: A Point wherein a lawful King doth directly differ from a Tyrant. But at this Time, I am only thus far to forwarn you in that Point, that you beware to seek the making of too many Laws, for two especial Reasons: First, because *In corruptissima Republica plurimæ Leges*; and the Execution of good Laws is far more profitable in a Common-Wealth, than to burden Men's Memories with the making of too many of them. And next, because the making of too many Laws in one Parliament, will bring in Confusion, for Lack of Leisure wisely to deliberate before you conclude: For the Bishop said well To-day, that to Deliberation would a large Time be given, but to Execution a greater Promptness was required. As for the Execution of good Laws, it hath been very wisely and honourably foreseen and ordered by my Predecessors in this Kingdom, in planting such a Number of Judges, and all Sorts of Magistrates in convenient Places for the Execution of the same: And therefore must I now turn me to you that are Judges and Magistrates under me, as mine Eyes and Ears in this Case. I can say none otherwise to you than as *Ezekias*, the good King of *Juda*, said to their Judges, *Remember that the Thrones you sit on are God's, and neither yours nor mine*: And that as you must be answerable to me, so must both you and I be answerable to God, for the due Execution of our Offices. That Place is no Place for you to utter your Affections in, you must not there hate

'hate your Foe nor love your Friend, fear the
'Offence of the greater Party, or pity the Misery
'of the meaner; ye must be blind and not see
'Distinctions of Persons; handleless, not to receive
'Bribes; but keep that just Temper and Mid-
'Course in all your Proceedings, that like a just
'Balance ye may neither sway to the Right nor
'Left Hand. Three principal Qualities are re-
'quired in you, Knowledge, Courage, and Sin-
'cerity: That you may discern with Knowledge,
'execute with Courage, and do both in upright
'Sincerity. And, as for my Part, I do vow and
'protest here in the Presence of God, and of this
'honourable Audience, I never shall be weary,
'nor omit no Occasion, wherein I may shew my
'Carefulness of the Execution of good Laws.
'And as I wish you that are Judges not to be
'weary in your Office in doing of it; so I shall
'never be weary, with God's Grace, to take Ac-
'count of you, which is properly my Calling.

'And thus having told you the three Causes of
'my convening of this Parliament, all three tend-
'ing only to utter my Thankfulness, but in divers
'Forms, the first by Word, the other two by
'Action; I do confess that when I have done and
'performed all that in this Speech I have promised,
'*Inutilis Servus sum*: *Inutilis*, because the Meaning
'of the Word *Inutilis* in that Place of Scripture is
'understood, that in doing all that Service which
'we can to God, it is but our Due, and we do
'nothing to God but that which we are bound to
'do. And in like Manner, when I have done all
'that I can for you, I do nothing but that which
'I am bound to do, and am accountable to God
'upon the contrary: For I do acknowledge, that
'the special and greatest Point of Difference that
'is betwixt a rightful King and an usurping Tyrant
'is in this; that whereas the proud and ambitious
'Tyrant doth think his Kingdom and People are
'only ordained for Satisfaction of his Desires and
'unreasonable Appetites; the righteous and just
'King doth, by the contrary, acknowledge him-
'self

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self to be ordained for the procuring of the Wealth and Prosperity of his People, and that his greatest and principal wordly Felicity must consist in their Prosperity. If you be rich, I cannot be poor; if you be happy, I cannot but be fortunate; and I protest that your Welfare shall ever be my greatest Care and Contentment: And that I am a Servant, it is most true, that as I am Head and Governor of all the People in my Dominion who are my natural Vassals and Subjects, considering them in Numbers and distinct Ranks; so if we will take the whole People as one Body and Mass, then as the Head is ordained for the Body, and not the Body for the Head; so must a righteous King know himself to be ordained for his People, and not his People for him: For although a King and People be *Relata*, yet can he be no King, if he want People and Subjects. But there be many People in the World that lack a Head, wherefore I will never be ashamed to confess it my principal Honour, to be the great Servant of the Common-Wealth, and ever think the Prosperity thereof to be my greatest Felicity, as I have already said.

But as it was the whole Body of this Kingdom, with an uniform Assent and Harmony, as I told you in the Beginning of my Speech, which did so far oblige me in Good-Will and Thankfulness of Requital by their Alacrity and Readiness in declaring and receiving me to that Place which God had provided for me, and not any particular Persons (for then it had not been the Body :) So is my Thankfulness due to the whole State. For even as in Matter of Faults, *Quod a multis peccatur, impune peccatur*: Even so even in the Matter of virtuous and good Deeds, what is done by the willing Consent and Harmony of the whole Body, no particular Person can justly claim Thanks as proper to him for the same. And therefore I must here make a little Apology for myself, in that I could not satisfy the particular Humours of every Person, that looked for some Advancement

Advancement or Reward at my Hand, since my An. 1 James I.
Entry into this Kingdom. Three Kind of Things 1603.
were craved of me: Advancement to Honour,
Preferment to Place of Credit about my Person,
and Reward in Matters of Land or Profit. If I
had bestowed Honour upon all, no Man could
have been advanced to Honour. For the De-
grees of Honour do consist in preferring some
above their Fellows. If every Man had the like
Access to my Privy or Bed-Chamber, then no Man
could have it, because it cannot contain all. And
if I had bestowed Lands and Rewards upon every
Man, the Fountain of my Liberality would be
so exhausted and dried, as I would lack Means
to be liberal to any Man. And yet was I not so
sparing, but I may, without vaunting, affirm,
that I have enlarged my Favour in all the three
Degrees, towards as many and more than ever
King of *England* did in so short a Space: No, I
rather crave your Pardon that I have been so
bountiful: For if the Means of the Crown be
wasted, I behoved then to have Recourse to you
my Subjects, and be burdensome to you, which
I would be lothest to be of any King alive. For
as it is true, that, as I have already said, it was a
whole Body which did deserve so well at my
Hand, and not every particular Person of the
People: Yet were there some who by reason of
their Office, Credit with the People or otherwise,
took Occasion both before, and at the Time of
my coming amongst you, to give Proof of their
Love and Affection towards me. Not that I am
any way in Doubt, that if other of my Subjects
had been in their Places, and had had the like Oc-
casion, but they would have uttered the like good
Effects, (so general and so great were the Love
and Affection of you all towards me:) But yet
this having been performed by some special Per-
sons, I could not, without Unthankfulness, but
requite them accordingly. And therefore had I
just Occasion to advance some in Honour, some
to Places of Service about me, and by rewarding

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‘ to enable some who had deserved well of me,
‘ and were not otherwise able to maintain the
‘ Ranks I thought them capable of; and others,
‘ who although they had not particularly deserved
‘ before, yet I found them capable and worthy of
‘ Place of Preferment and Credit, and not able to
‘ sustain those Places for which I thought them fit,
‘ without my Help. Two especial Causes moved
‘ me to be so open handed; whereof the one was
‘ reasonable and honourable; but the other, I will
‘ not be ashamed to confess unto you, proceeded
‘ of mine own Infirmary. That which was just
‘ and honourable, was, that being so far beholding
‘ to the Body of the whole State, I thought I could
‘ not refuse to let run some small Brooks out of the
‘ Fountain of my Thankfulness to the whole, for
‘ refreshing of particular Persons that were Mem-
‘ bers of that Multitude. The other, which pro-
‘ ceeded out of mine own Infirmary, was the Mul-
‘ titude and Importunity of Suitors. But although
‘ Reason come by Infusion in a Manner, yet Ex-
‘ perience groweth with Time and Labour: And
‘ therefore do I not doubt, but Experience in Time
‘ coming will both teach the particular Subjects of
‘ this Kingdom, not to be so importune and undif-
‘ crete in craving; and me not to be so easily
‘ and lightly moved, in granting that which may
‘ be harmful to my Estate, and consequently to the
‘ whole Kingdom.

‘ And thus having at length declared unto you
‘ my Mind in all the Points, for the which I cal-
‘ led this Parliament: My Conclusion shall only
‘ now be to excuse myself, in Case you have not
‘ found such Eloquence in my Speech, as perad-
‘ venture you might have looked for at my Hands.
‘ I might, if I list, alledge the great Weight of
‘ my Affairs and my continual Business and Distrac-
‘ tion, that I could never have Leisure to think
‘ upon what I was to speak, before I came to the
‘ Place where I was to speak: And I might also
‘ alledge, that my first Sight of this so famous and
‘ honourable an Assembly, might likewise breed
‘ some

‘ ~~some~~ Impediment. But leaving these Excuses, An. 1 James 1
1603.
‘ I will plainly and freely, in my Manner, tell
‘ you the true Cause of it, which is, that it be-
‘ cometh a King, in my Opinion, to use no other
‘ Eloquence than Plainness and Sincerity. By
‘ Plainness I mean, that his Speeches should be so
‘ clear and void of all Ambiguity, then they may
‘ not be thrown, nor rent asunder into contrary
‘ Senses like the old Oracles of the *Pagan Gods*.
‘ And by Sincerity, I understand that Uprightness
‘ and Honesty which ought to be in a King’s
‘ whole Speeches and Actions: That as far as a
‘ King is in Honour erected above any of his Sub-
‘ jects, so far should he strive in Sincerity to be
‘ above them all, and that his Tongue should be
‘ ever the true Messenger of his Heart: And this
‘ Sort of Eloquence may you ever assuredly look
‘ for at my Hands.’

The King’s long Speech being ended, the Lord Chancellor made a short one, according to Form and Order; and, in the End, signified his Majesty’s Pleasure to the Commons, that they should go and make Choice of a Speaker, and present him to the King on the 22d of the same Month, or three Days after. Accordingly, on the said Day, Sir *Edward Phellips*, Knt. King’s Serjeant, was Sir Edward Phel-
lips, Kt. Speaker. brought up to the Bar of the House of Lords, by several Knights and Burgesses, as their Speaker, and, with the usual Ceremonies, was allowed.

The *Journals* of the House of Commons, for this, and all the succeeding Parliaments, are much more copious and circumstantial than formerly; therefore to take Notice of every Incident, would be endless. For the first Days of this Session, they are mostly taken up with regulating Elections, and ascertaining Privileges, &c. which we shall omit; except the famous Case of Sir *Francis Goodwin* and Sir *John Fortescue*, which must find a Place in these Enquiries. When any Thing else occurs in these *Journals*, not taken Notice of by the Lords, it shall also find a Place; and, they begin the first Par-

Ap. 1 James I. liament of this King with a very extraordinary
1603. Preface; which, for the Rarity of it, deserves inserting.

Lunæ, Martii 19, 1603.

After reciting the Time of the Session, with the King's Titles, &c. it goes on in the following Manner;

L I C E A T P R Æ F A R I.

Remarkable Pre-
face to the Jour-
nals of this Par-
liament.

THE first Frame of this earthly Body of a Chaos became a distinct Essence of Creatures (*b*). *Man*, the most noble by Nature, born to a Law, out of that gave Law to others, and to himself. Hence Order, the Lustre of Nature, guided by a First Essence, put all Government into Form: First, In Two, who, by Procreation, according to the Rule of Power (Increase and multiply) made a Family, with One Head; by Propagation, a Tribe, or Kindred, with One Elder, or Chief; by Multiplication, a Society, a Province, a Country, a Kingdom, with one or more Guides or Leaders, of Spirit, aptest, or, of Choice, fittest, to govern.

This Division, sorting itself into Proprieties, fell, in Parts of Right, greater and smaller, to some Tribe, Kindred, or elective Change of Person. *Vicissitudo Rerum*, the Herald of Time, doth warrant this to be the true original Pedigree of Government; and, by a present Change, in our own Eyes, hath made the Demonstration more subject to our Sense, by our Loss of an excellent Princes, by our Gain of a Successor, for eminent Virtue, and Experience in Government, famous, and peerless; leading us, by a momentary Fear, to a better Sight of a permanent Happiness: The Taste and Comfort of which Happiness did first entertain us by his Majesty's Entry in Peace, by his Passage with Acceptance, and by his Settling with Glory and Policy; wherein (his first Moving bearing some Resemblance of a new World) his first Care was, to re-create and renew his Laws, the Life of Government, by the greatest Council of the Kingdom,

(*b*) From the printed *Journals* of the Commons, p. 139.

dom, the High-Court of Parliament; which, being compounded of the three Estates (the Body Representative of this Common-Wealth) was, of Custom, and, in a manner, of Necessity, to be assembled at the City of *Westminster*, adjoining to the City of *London*, the Metropolis, or Mother-City, of the Kingdom: But, because those Cities, as likewise many other Parts of the Land, were at that Time, and long after, overspread with a dangerous Contagion of Pestilence, the Summons of that Assembly was deferred until the One-and-thirtieth of *January*, 1603, next following: At which Time, the Heat of that great Sickness abating, his Majesty, by the Advice of his Council, gave Warrant, under his Signature, to the Lord *Ellesmere*, Lord Chancellor of *England*, to send forth Writs of Summons, directed to the Lords Spiritual and Temporal, and the Commons, of this Kingdom: But,

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We shall omit the Form of the Writ in the *Journals* and some other Ceremonies, and pass on to the Speaker's Oration made to the King, on his being confirmed in that Office, which the same Authority gives us in these Words:

Most renowned, and of all other most worthy to be admired, Sovereign:

‘ **A**S the supreme and all-powerful King of Heaven hath created Man to govern his Works, so did he depute terrestrial Kings, in whom his Image was, to govern Men; but yet so, as still to think, that they themselves are but Men: And to that End adorned them with three Imperial Ensigns of Honour; a Crown, a Scepter, and a Sword; commanding to the Crown Reverence, to the Scepter Obedience, and to the Sword Fear: Wherewith, in his divine Distribution of Kings and Kingdoms, he hath magnified and invested your sacred Person, in the Imperial Throne of this most victorious and happy Nation, wherein you now do, and, *Nestor* like, long may, fit; not as a Conqueror, by the Sword, but as an undoubted Inheritor, by the Scepter; not

The Speaker's
Oration to the
King.

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‘ not as a Stepfather, by Match or Alliance, but
 ‘ as a true tender Father, by Descent of Nature,
 ‘ to whom we your Children are truly naturalized
 ‘ in our Subjection, and from whom in our Loyal-
 ‘ ty we expect unto us a paternal Protection: The
 ‘ Ark of Government of which Kingdom hath
 ‘ ever been steered by the Laws of the same; and
 ‘ these distributed to the Jurisdiction of several
 ‘ Courts of Justice, the Commanding and Impe-
 ‘ rial Court whereof is this your Majesty’s Great
 ‘ and High Court of Parliameht; by whose Power
 ‘ only new Laws are to be instituted, imperfect
 ‘ Laws reformed, and inconvenient Laws abro-
 ‘ gated; whose Justice therein is such, and so ab-
 ‘ solute, that no such Laws can either be insti-
 ‘ tuted, reformed, or abrogated, but by the Unity
 ‘ of the Commons Agreement, the Lords Accord,
 ‘ and your Majesty’s Royal and Regal Assent; on-
 ‘ ly to your Highness’s Prerogative Nullity, by
 ‘ your own Disassent to their Conclusions, belong-
 ‘ eth; for that this Court standeth compounded of
 ‘ two Powers; the one ordinary, the other abso-
 ‘ lute: Ordinary, in the Lords and Commons
 ‘ Proceedings; but in your Highness, absolute, ei-
 ‘ ther negatively to frustrate, or affirmatively to
 ‘ confirm; but not to institute. The Body of
 ‘ which Court or Council of Estate consisteth of
 ‘ two Houses; the one, the Lower House of Par-
 ‘ liament, the Members whereof are the Knights
 ‘ of Shires, and Burgeses of Towns and Corpo-
 ‘ rations; the other, the Higher House, framed
 ‘ of the Lords Spiritual and Temporal: The per-
 ‘ sonal Attendance of all which particular Mem-
 ‘ bers your Majesty, by your Prerogative Royal,
 ‘ hath now commanded; and accordingly your
 ‘ dutiful and loyal Subjects, the Knights and Bur-
 ‘ geses of the Lower House, have therein present-
 ‘ ed themselves, and, answerable to the ancient
 ‘ Privilege of that Place, and your gracious Li-
 ‘ berty and Favour to them vouchsafed, the better
 ‘ thereby to avoid the Inconvenience of Parity, the
 ‘ Mother of Confusion and Enemy to Unity,
 ‘ have

' have nominated my worthless Self their unwor-
 ' thy Speaker: Wherein although their Affections
 ' and Loves (the Abuses of true Opinion and
 ' Judgment) have in this misguided their former
 ' known and approved Wifdoms; yet it resteth in
 ' your Regal Power, either to breathe Life, or
 ' pronounce Death to this their yet unwarranted
 ' Nomination. Give me Leave therefore, most
 ' prudent and deserving Sovereign, to appeal from
 ' their mislead Opinions, by the Misguide of their
 ' Favours, to your approved Justice and Judg-
 ' ment; and rather therein to blemish my defective
 ' Self, by laying open my secret Imperfections,
 ' and thereby endamaging only mine own particu-
 ' lar Private, than to deceive their Hopes (being
 ' of me but waking Dreams) and wrong the
 ' Weight of this so great and important public
 ' Service; which requireth to be managed by the
 ' absolute Perfection of Experience, the Mother
 ' of Prudence; by the Profoundness of Literature,
 ' the Father of true Judgment; and by the Ful-
 ' ness and Grace of Nature's Gifts, which are the
 ' Beauty and Ornament of Arts and Actions.
 ' From the Virtues of all and every whereof I am
 ' so far estranged, that not tasting of *Parnassus's*
 ' Springs at all, nor of that Honey, left upon the
 ' Lips of *Plato* and *Pindarus* by the Bees, Birds of
 ' the Muses; as I remain touched with the Error
 ' of the contrary, and thereby am disabled to un-
 ' dergo the Weight of so heavy a Burthen, under
 ' which I do already groan, and shall both faint
 ' and fail, if not by your Justice disburthened,
 ' or by your Clemency commiserate. I there-
 ' fore, prostrating myself at the Foot of your Jus-
 ' tice-seat, do implore my Discharge; not moved
 ' thereto by any cold Humour to your Highness's
 ' Service (for therein I rather chuse to be cooled
 ' by Death, than by Want of Will to neglect the
 ' same) but only through the frost-bitten Defects of
 ' mine own Imperfections; which if they could
 ' be repaired with Mind's true Zeal to effect that,
 ' which my Heart desireth, then Life breatheth
 ' not

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‘not in that Body, who more longeth to employ
‘the same in all Duties, that may to your Majesty
‘be serviceable, or to your Highness acceptable.
‘Notwithstanding, as your devoted Subject and
‘Servant, I only and wholly subject myself, my
‘State, and Life, as the true Subject of your gra-
‘cious Pleasure; desiring not longer to live, than
‘so to live, that my Breath and Life may breathe
‘out to your Majesty Loyalty, Faith, and Obe-
‘dience, whereof my Life and Death shall be my
‘Pawn and Pledge.’

Here he stopped; but being told by the Lord
Chancellor that the King would not excuse him,
but confirm the Election of the Commons; he then
proceeded:

Most renowned Sovereign,

‘IF a divided Mind may frame a well-joined
‘Answer, then may I say, Too much, more
‘than too justly, may your Majesty condemn my
‘Wants, but never condemn my Want of Duty:
‘For, although in this Place of Employment
‘(now commanded) I ought, and do, give Pre-
‘cedency to many, yet to none in my Will to do
‘you Service; for therein my Zeal shall ever re-
‘semble the Fire, hot, and yet trembling; hot,
‘in my Desire to discharge the full Measure of my
‘Duty; but, *Pisander* like, trembling, in my
‘Fear, lest, through my Imperfections, I fail in
‘that, which I should perform. My Course of
‘Life hath not been much conversant in the Study
‘of Arts, which might make me speak *scripta vel*
‘*sculpta*, as *Demosthenes* wished; nor in the Poli-
‘cies of State, of which a Subject to his Sovereign
‘must speak *breviter aut suaviter*; but in the Pro-
‘fession and Practice of the Laws, which are *Ner-
‘vi Reipublicæ et Ligamenta*, the Bonds and Sinews
‘of this Kingdom; which yield more Fruits of
‘Reason, than Words, the Buds of Art, and blof-
‘soming Terms of Eloquence: And therefore to
‘confine myself within the proper Element of my
‘Profession, and not to aim and snatch at Things
‘beyond

beyond my Reach ; be pleased, of all others most
 renowned Sovereign, in few and unfiled Words,
 to entertain with your gracious Aspect a compa-
 rative Resemblance between a Body by Nature,
 and the Body Politic of this your Majesty's
 Common-Wealth, figured and drawn out of the
 Rules of Law ; whereof, as the natural Body of
 the one is framed of four principal Parts, name-
 ly, of a Head, of a Body, of a Life, and of a
 Soul ; so is the Politic Body of the other com-
 pounded of like Four essential Members ; as of a
 Head, of a Body, of a Life, and of a Soul :
 And as, by the Disbranching of any one Particu-
 lar from the natural Body, the Perfection of the
 Whole is dissolved ; so, by the Dismembring
 from the Politic Body of any one of the Four
 Politic Parts, the Glory of the Whole is disroot-
 ed. This Politic Head now is (and we all, with
 one zealous and united Devotion, pray, long and
 long may be) your most honoured and best deserv-
 ing Self ; this Body Politic now is, and still de-
 sire to be, your loyal and faithful Subjects ; this
 Politic Life now is, and so well deserves to be,
 your Highness's common and positive Laws ; this
 Politic Soul now is, and so of Necessity must be,
 your absolute Justice in the true Distribution of
 the same. And as the natural Head of the one
 (although the Prince, and directing Part of the
 Whole) cannot be supported without his natural
 Body, nor the natural Body without his natural
 Life, nor the natural Life breathe without the
 Soul ; no more can the Politic Head of the other
 (although the supreme and commanding Part)
 stand secure without his Subjects, being the Poli-
 tic Body ; nor the Politic Body without his Laws,
 being his Politic Life ; nor his Politic Life with-
 out his Politic Soul, being Execution. And as
 the natural Body of the one is subject to the Im-
 perfections of Nature, and, in best Health and
 Fulness, findeth least his Danger ; so, in Peace
 and Plenty, is the other subject to Enormities of
 Misguide and Error ; which made good Laws
 spring

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 1603.

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1603.

spring out of bad Manners; for if Diseases were not, there needs no Medicines; nor Use of Laws, but for Restraint of Evils. The natural Head's Providence protecteth the Body from gross Diseases, and discreet Foresight preventeth Afterclaps of Danger; so the Wisdom, Prudence, and good Guide of the Politic Head, is the sovereign Preservation against the infectious Poison of Discord and Disorder: And as to each Part of the natural Body belongeth divers, several, and divided Duties and Offices to be performed; so is (or ought to be) every Part of the Politic Body attended on with Four particular Virtues and Properties: As, to the Head there belongeth, first, Zeal in Religion, whereby God may be truly honoured; secondly, Prudence in constituting Laws, whereby the Body may be rightly governed; thirdly, Magnanimity, to repel the Fury, both of Foes and Fortunes; fourthly, Justice, tempered so with Mercy, whereby the well-disposed may not be drawn to presume, nor the rash and negligent Delinquent driven to Despair: To the Body, first, Devotion, to pray for the Safety of so precious an Head; secondly, Minds and Wills to obey him in all faithful Loyalty; thirdly, Hands and Hearts, as Brethren in Unity, to fight against the common Enemy in Defence of his Royal Dignity; fourthly, Purves prepared and open to supply the necessary Occasions of his Sovereignty: To the Life, being the Law, belongeth, first, to inform you our Prince, how as your Subjects to command; secondly, to direct us your Subjects, how you our Sovereign to obey; thirdly, to instruct your Highness's Magistrates, and Officers of Justice, with Knowledge how to adjudge; fourthly, to teach your Ministers of Government the Mean and Manner how to discipline; for Ignorance of Laws brings Error in Judgment, and Error or Corruption in Judgment is the very Plague of the Innocent: The Soul, being Execution, requireth, first, to preserve the Authority of Laws from Contempt; secondly,

to

to maintain the Power of Government in his absolute Virtue; thirdly, to protect the Oppressed from the Tyranny of Oppression; fourthly, to correct the Oppressors with the Sword of judicial Censure, that your Laws may not be Cobwebs to punish little Flies, and let the great escape; for Lenity and Gentleness to such so bad, is nothing else but Cruelty to them that are good. A Body of these Mixtures, thus compounded, is both to the Prince and Subjects in Earth, and all earthly Things, *Summum Bonum*. For the first four Virtues of the Head God is honoured, the People governed, Enemies are repelled, Justice without Tyranny, and Mercy without Remissness distributed. By the second Four Duties of the Body, the Head is secured, Loyalty performed, Royalty defended, Sovereignty in War maintained, and in Peace adorned. By the third Four Properties of the Life, being the Law, Commandments are rightly commanded, Obedience is truly yielded, Judgments with Knowledge are pronounced, Executions without Error executed. By the last Four Offices of the Soul, being Execution, you shall find Laws in Authority preserved, Government in his Virtue maintained, the Oppressed strongly, yea, graciously, protected, and the Oppressors sharply and worthily corrected. And if any Kingdom and Body Politic might appropriate the Perfection of this so blessed Happiness to themselves, it is we, now your Majesty's Subjects, in our late deceased sovereign Queen, and in you, our liege and living King: For such was the Virtue of her princely Regiment, that, as living, she lived, of her Sex, the Wonder of her Time; so, now dead, she liveth a true Mirror to all succeeding Ages. For that in her Religion she was zealous, without Wavering; in her Counsels wise, without Levity; in her Determinings deliberate, without Rashness; in her Resolutions constant, without Mutability; in her Justice absolute, without Cruelty; in her Mercy temperate, without careless Remissness;

in

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‘ in her Choice of Magistrates of Justice, and Of-
 ‘ ficers of Attendance, curiously respective, with-
 ‘ out sudden Admission ; first, trying their Deserts
 ‘ by the Touchstone of her Council’s Censure ;
 ‘ and, secondly, approving them in the Fire of the
 ‘ Worth of their own Virtues, and not by the
 ‘ Value of their own corrupt-given Rewards ; mis-
 ‘ liking snaky Ambition, that winds itself into ma-
 ‘ ny Figures, till it slide into the Room which it
 ‘ desires ; but ever condemning it as an Evil of dan-
 ‘ gerous Consequence, to place worthless Men in
 ‘ worthy Places ; foreknowing, they that want true
 ‘ Sufficiency to raise themselves, will make them a
 ‘ Ladder of any Mischief : Secondly, as a Thing
 ‘ to herself dishonourable, unless with Virtue she
 ‘ held the Scales, and weighed their Deserts in the
 ‘ Balance of Honour : Thirdly, to her Subjects in-
 ‘ tolerable, to impose, or suffer, in Place of Jus-
 ‘ tice, a bribing and corrupt Magistrate : And last-
 ‘ ly, to the Government of the Estate she esteem-
 ‘ ed them the Rocks of Government’s Reproach,
 ‘ the Quick-sands of true Justice, and the Whirl-
 ‘ pool of the Common-Wealth’s Decay ; where-
 ‘ in, if in ought misled by the Error of Informa-
 ‘ tion (from which the King of Heaven only, and
 ‘ no King on Earth, is free) theirs, and not her’s,
 ‘ was the deserved Blame of that Offence ; whose
 ‘ Example therein, being dead, if in ought so mis-
 ‘ guided, liveth to the Living a lively Admonisher,
 ‘ both to abhor and abandon temporizing Smooth-
 ‘ ers, *Matchavilian* Politiquers, and corrupt brib-
 ‘ ing Informers, as the venomous Poisoners of
 ‘ Virtue’s clear Fountain. By which, and many
 ‘ other her princely Governments, we, her People,
 ‘ loved her with our Hearts true Love ; obeyed
 ‘ her with Conscience, not by Constraint ; feared
 ‘ for her, never feared by her ; prayed for her
 ‘ with the Spirit of Faith ; and lived to die for
 ‘ her in all constant Loyalty. The same Love,
 ‘ the same Obedience, the same Fear, the same
 ‘ Faith, and the self-same Loyalty ; we still retain,
 ‘ and faithfully, constantly, and religiously profess,
 ‘ protest,

An. 1 James L.
1603.

‘ protest, and present to your most sacred Majesty ;
 ‘ resolving ourselves, that, as by Nature, you both
 ‘ descended from that blessed Root of Union, un-
 ‘ der whom, by whom, and from whom, she did,
 ‘ and your Majesty now doth, wear and bear the
 ‘ Imperial Crown and Scepter of this thrice blessed
 ‘ Monarchy ; that, as she did, so your Majesty will
 ‘ bud the like or greater Fruits of such a *Solomon*,
 ‘ and so heroic a Root ; whereof your Zeal in Re-
 ‘ ligion, your unblemished Course of Life, your
 ‘ Precedence before all other Princes in divine and
 ‘ moral Literature, your Temperance in Disposi-
 ‘ tion, your Justice in your Judgments, your Mer-
 ‘ cy to Delinquents, and your approved Magnani-
 ‘ mity in Dangers, these all give us Assurance, that
 ‘ we have but exchanged our exquisite Queen for
 ‘ an absolute King : And if Success of Ends may
 ‘ be foreknown by their Beginnings, and Conclusi-
 ‘ ons approved by the Premises, then may I conclude,
 ‘ that never were (*b*) more blessed in their King,
 ‘ nor King more beloved and happy in his People :
 ‘ For such, and so high, was, and is our Esteem
 ‘ of your princely Deserts, and such, and so great,
 ‘ did, and do we value the Price of your eminent
 ‘ and unmatched Perfections, that without Hearts
 ‘ grudging, Minds murmuring, or Thoughts dis-
 ‘ content (some few impostumed Persons, now dis-
 ‘ vomited, excepted) you wear, and long may
 ‘ wear, the Imperial Crown of this right powerful
 ‘ Kingdom ; whose People your Majesty shall find,
 ‘ by Profession, to be religious, without fantastical
 ‘ Curiosity ; by Nature, to be resolute, without
 ‘ Insolency ; by Subjection, to be loyal and faith-
 ‘ ful, without Treason or Treachery ; by mode-
 ‘ rate Discipline, to be tractable and obedient, with-
 ‘ out Rebellion ; and by Law and Authority only
 ‘ to seek to right their Wrongs, without treacher-
 ‘ ous Revenge, or public Hostility ; and yet, *in-*
 ‘ *ter Pares*, impatient of Baseness and Servility.
 ‘ *Jura regalia* they usurp not ; but to the Crown
 ‘ they do their Reverence, to the Scepter their Obe-
 ‘ VOL. V. D dience,

(*b*) *Sic Orig.* — But the Word *People* seems to be omitted here.

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‘dience, and the Imperial Sword they only fear ;
 ‘whereby this Day, that, to foreign Enemies, and
 ‘domestical Discontents, was (ill Mens Hope, and
 ‘good Mens Fear) to be the Day of Blood, is
 ‘now become the Day of *England’s* settled Peace,
 ‘and joyful Safety ; and may well be said, This is
 ‘the Day that the Lord hath made, let *England*
 ‘rejoice and triumph in it: For that Virtue is now
 ‘no Treason, nor no Man wisheth the Reign of
 ‘*Augustus*, nor speaketh of the first Times of *Ti-*
 ‘*berius*. And although some fiery-spirited Detrac-
 ‘tors, very faulty-finding, and yet very faulty, have
 ‘derogated from Princes Regiment, from States
 ‘Government, from Senates Integrity, from Jud-
 ‘ges Justice, from Magistrates Discipline, and from
 ‘Commons Obedience; yet foregoing Time, and
 ‘your Majesty’s present and future Trial, shall ap-
 ‘prove it a Regiment never more renowned, a
 ‘Government never more constantly settled, a
 ‘Senate never more justly wise, Judges never more
 ‘judicially just, Magistrates never more respecti-
 ‘ly vigilant, nor Commons never more loyally
 ‘obedient; and although, as Men, subject to the
 ‘Imperfections of Men, yet, from Hands and
 ‘Hearts Corruption, as free from deserved Accu-
 ‘sation, as such traducing Earwigs are guilty of
 ‘Condemnation. And had your Majesty, before
 ‘your princely Arrival, been an Eye and an Ear-
 ‘witness to the prudent and provident Directions
 ‘and Endeavours of the then Council of Estate,
 ‘of the regardful Employment of the Nobility, of
 ‘the vigilant Circumspection of the Officers and
 ‘Ministers of Justice, and generally of the loyal
 ‘Conformity and Obedience of the Commons, all
 ‘in their several Ranks endeavouring, and agreeing,
 ‘with Hearts true united Consent, to your High-
 ‘ness’s Instalment; you then would, out of your
 ‘princely Judgment, rather have approved it a free
 ‘Election, than a descending Right; wherein they
 ‘expressed their Judgments in your undoubted Ti-
 ‘tle, manifested their reverend Respects to your
 ‘high and admired Virtues, and approved their
 ‘Loy-

‘ Loyalty to your approved Crown and Scepter. An. 1 James I.
 ‘ And although the Policies of precedent Time 1603.
 ‘ did forbear the public Declaration of your then
 ‘ future, and now present Right ; yet was both the
 ‘ Head and the Body so far from Purpose to im-
 ‘ peach the same, that confidently I believe, and
 ‘ boldly dare affirm, that neither she, nor they,
 ‘ ever thought Thought, or dreamed Dream, to
 ‘ offer Wrong to your Succession therein ; but as
 ‘ the one was in Policy forborn, so in Conscience
 ‘ the other was never purposed. And now, since
 ‘ God, to whose only Prerogative the Inthronizing
 ‘ and Diithronizing of Kings appertaineth, hath,
 ‘ by the Setting of her Sun, raised and spread the
 ‘ Beams of your Glory ; and by calling her to
 ‘ his heavenly Service, hath freed her from her
 ‘ temporal Regiment ; and hath, out of his divine
 ‘ Providence, crowned you with the same Crown,
 ‘ blessed you with the same Religion, enriched you
 ‘ with the same Dominions, and strengthened you
 ‘ with the Hearts of the self-same Subjects and
 ‘ People ; that, as she did, so your Majesty will be
 ‘ pleased to protect us in our Religion, to favour
 ‘ us in our Loyalties, to cherish us in our Obedi-
 ‘ ence, and to nourish us in our faithful Subjection.
 ‘ And as to her, so to you, we faithfully pro-
 ‘ strate and subject ourselves, our State, and Lives,
 ‘ to be disposed and sacrificed for and in your Ma-
 ‘ jesty’s Service ; religiously praying, that your
 ‘ Highness’s Government, and our Subjection, may
 ‘ be to God pleasing ; to you, our Sovereign, ab-
 ‘ solute ; to Enemies and Traitors powerful and
 ‘ fearful ; and to all true devoted Subjects fruitful
 ‘ and comfortable : Then shall God be glorified,
 ‘ your Majesty renowned, Religion advanced,
 ‘ and your State and People secured from *Popes*
 ‘ Cursings, Enemies Oppressions, and Traitors
 ‘ Treacheries ; whereunto all true *English* Hearts
 ‘ say, *Amen*. And thus being by the Rules of Dis-
 ‘ cretion foretold, that to offend your sacred Ears
 ‘ with *multa*, since to satisfy your gracious Expec-
 ‘ tation with *multum* is denied me, were an Error,

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‘ of Errors the most erroneous : Therefore, since
 ‘ I retain not the Virtue of the one, give me Leave,
 ‘ most magnificent Sovereign, to prevent the Er-
 ‘ ror of the other ; and in these few Words, be
 ‘ pleased to receive as much as can be conceived,
 ‘ may proceed from a Man and Mind, truly and
 ‘ wholly devoted to your Service ; who desireth no
 ‘ longer to breathe, than so to breathe, that his
 ‘ Breath may breathe out to your Majesty Loyalty,
 ‘ Faith, and Obedience, whereof his Life and
 ‘ Death shall be his Pawn and Pledge : Who here,
 ‘ upon the Knees of my Duty, in all Humility,
 ‘ do present to your gracious Consideration five
 ‘ Petitions ; the Benefit of three whereof are pe-
 ‘ culiar to mine own Particular, the other two to
 ‘ the Knights, Burgeses, and Members of the
 ‘ Lower House of Parliament.

‘ The first whereof is, That if, in your graci-
 ‘ ous Eyes, Ears, or Judgment, during the Time
 ‘ of this mine Employment and Service, I have,
 ‘ do, or shall, through my Imperfections (which al-
 ‘ ready appear to your Majesty to be too too many)
 ‘ either in Manner, Form, or Matter, neglect that,
 ‘ which I ought to have performed, or err in that,
 ‘ which I ought not to have done, that your Ma-
 ‘ jesty will be pleased, out of your Clemency, ra-
 ‘ ther to commiserate the same, than out of your
 ‘ Justice therein to correct my unwilling commit-
 ‘ ted Errors.

‘ Secondly, That if any, by private Informa-
 ‘ tion, endeavour to possess your sacred Ears with
 ‘ Matter of Blemish or Detraction concerning my
 ‘ Course of Proceeding, that your gracious Cen-
 ‘ sure thereof may be suspended, until, by your
 ‘ Pleasure, I be called to my Trial, and your Judg-
 ‘ ment : For that many Things may be either mis-
 ‘ carried, or misconceived, in Causes of this Nature.

‘ Thirdly, That, as Occasion shall move, I
 ‘ may, by your royal Favour, be permitted Access
 ‘ to your princely Presence, in Places and Times
 ‘ convenient, for such Negotiations, as the Duty
 ‘ of my Place shall require.

Fourthly,

‘ Fourthly, * * * * *

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What followed is omitted in the *Journals*: But it could be no more than the common Form of asking for Liberty of Speech, &c. which, as usual, was granted by the King, *without the cautionary Restrictions* used in the last Reign (i).

The first Thing the Commons went upon, when they were got to their own House, was, to examine into a Complaint, then made, by Sir *Herbert Crofts*, one of their Members. It seems this Gentleman, coming up with others to hear the King’s Speech, in the House of Lords, had the Door shut upon him; and one *Bryan Tashe*, a Yeoman of the Guard, violently repulsed Sir *Herbert*, saying, *Goodman Burgeses you come not here*. This was resented as an Affront to the whole House; and it might have proved vexatious, had not one of the Officers of State made up the Matter; so the House was contented with *Tashe’s* acknowledging and asking Pardon for his Fault, and receiving a Reprimand from the Speaker, on his Knees, at the Bar for it. — But to begin with the Lords.

Affront offered
to a Member.

The first Bill that was brought into their House bore this Title, *A most joyful and just Recognition of the immediate, lawful, and undoubted Succession, Descent, and Right of the Crown*. The next Day this Bill was read a second Time, and ordered to be engrossed; and the Day after it passed the House of Lords, and was sent down to the Commons, by an extraordinary Commission, viz. the two Lord Chief Justices, two Judges, Mr. Serjeant *Crook*, and Mr. Attorney-General. The House of Commons were no less eager to pay their Compliments to their new King; for, *March* the 31st, we find this Entry in the Lords *Journals*. ‘ This Day the ‘ Bill, intituled, an Act for a most joyful and just ‘ Recognition, &c. was returned to their Lordships ‘ from the Lower House, by the Hands of Mr. ‘ Secretary *Herbert*, accompanied by the most Part ‘ of the Knights and Burgeses of the said House, ‘ who signified their joyful Acceptation of the said

An Act for re-
cognising the
King’s Title.

D 3

‘ Bill,

(i) See Vol. IV. p. 349, 408, 427.

An. 1 James I. 1603. ‘ Bill, and their Willingness in expediting it, by
 ‘ giving three several Readings to the same, as soon
 ‘ as they received it.’

The particular Writer of this King’s Life was one *Arthur Wilson*, Esq. the best Edition of which is printed in *Kennet’s History of England*, with that Prelate’s Notes upon it. In one of which, the Bishop represents him as a prejudiced Writer, if not a rancorous one, against King *James*; another Author says, that he was more a Satyrist than an Historian (*k*): But, as this Author, like many others, is very short in his Account of Parliamentary Proceedings, there is little to be extracted from him to our Purpose. In the Course of the whole Parliament now before us, *Wilson* takes no Notice of any one Act but the foregoing; on which, he makes the following Reflection (*l*).

Wilson’s Remarks thereon.

‘ The Parliament, highly admiring the King’s
 ‘ Abilities, made a Recognition thereof with many
 ‘ Elogies, as the prime Act of their humble Submission to his Government. Wherein, they
 ‘ yield their most humble Thanks to the divine
 ‘ Majesty for his Access to the Crown. And they
 ‘ desire from their Hearts, as a Memorial to all
 ‘ Posterity, it may be published, and declared, and
 ‘ remain amongst the Records of the High Court
 ‘ of Parliament for ever to endure, *That* they acknowledge his Right of Succession to the Crown
 ‘ of *England*, and the Empire thereof; and there-
 ‘ unto they faithfully submit and oblige themselves,
 ‘ their Heirs and Posterities for ever, until the last
 ‘ Drop of their Blood be spent. So high mounted
 ‘ was the Affection of the People to the King;
 ‘ and, happily, might have continued so, if some
 ‘ After-Jealousies had not intervened, that like
 ‘ Clouds hindered the Influence of their more intimate Correspondence.’

Thus far Mr. *Wilson*. But, in order to shew, more clearly, the Sense of an *English* Parliament, and therein of the whole Nation at that Time, who
 are

(*k*) *Fuller’s Church Hist.* Book X. p. 57.

(*l*) *Kennet’s Hist. of England*, Vol. II. p. 673

are and ever have been fond of Changes, we shall subjoin the Preamble to the Act itself, as the best Testimony of their full Acknowledgment of this King's Title to the Crown (m). An. 1 James I.
1603.

Great and manifold were the Benefits, most dread and most gracious Sovereign, wherewith Almighty God blessed this Kingdom and Nation, by the happy Union and Conjunction of the two noble Houses of York and Lancaster, thereby preserving this noble Realm, formerly torn and almost wasted with long and miserable Dissention and bloody Civil War; but more inestimable and unspeakable Blessings are thereby poured upon us, because there is derived and grown from and out of that Union of these two princely Families, a more famous and greater Union, or rather a re-uniting of two mighty, famous and ancient Kingdoms, (yet anciently but one) of England and Scotland, under one imperial Crown, in your most royal Person, who is lineally, rightfully and lawfully descended of the Body of the most excellent Lady Margaret, eldest Daughter of the most renowned King Henry VIIth, and the High and Noble Princess Queen Elizabeth his Wife, eldest Daughter of King Edward IVth, the said Lady Margaret being eldest Sister to King Henry VIIIth, Father of the High and Mighty Princess, of famous Memory, Elizabeth late Queen of England.

In Consideration whereof, &c.

March 26th, on a Motion of the Lord Cecil, a Conference was agreed upon to be had with a certain Number of the Lower House, concerning the public State of the Nation; and on two Things, in particular, Purveyors and Respite of Homage. To which the Commons desired might be added another Article concerning the Matter of Wards: Answer was returned back, by the Lords, 'That they liked well the Motion for a Conference, touching the last mentioned Matter. But, with all, because there were several other Things that did concern the public State; of which it was, like-

A grand Conference between the two Houses.

D 4

wife

(m) Statutes at large, 1 Jac. I. Cap. 21

An. 1 James I.
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wife proper to have Conference, before Hand, for the better Furtherance of the public Service; and, in regard, the said Matters were of *Importance*, their Lordships desire them to increase the Number of their Committee as they intended to do theirs.

A large Committee of Lords were accordingly appointed, consisting of nine Earls, one Viscount, six Bishops, and thirteen Barons; who were to be attended by the two Lord Chief Justices, four Judges, Mr. Serjeant *Crook*, and Mr. Attorney-General. The Commons deputed about sixty Knights and Burgeffes of their House; and this is all that the *Journals* of the Lords mention of this Matter.

But the *Journals* of the Commons are not so silent; for it was, indeed, a Business of *Importance* to the *Liberties* and *Privileges* of that House. *Rapin*, (from *Coke*,) represents this Affair as another Instance of this King's aiming at absolute Power. In order to introduce this Matter, we shall give a Paragraph from this Author's *History of England*, and then subjoin the whole Account, as it stands in the *Journals* of the House of Commons at this Day. There needs no Apology for the Length of it; a Case of this Nature allowing of no Abridgment in this Work (*n*).

Rapin's Observations thereon.

‘Immediately after the Opening of the Parliament, the Commons examining, according to Custom, the contested Elections, there was a Debate in the House about the Return of Sir *Francis Goodwin*, and Sir *John Fortescue*, for Knight of the Shire for the County of *Bucks*, and upon a full Hearing, Sir *Francis* was declared duly elected. Three Days after, the Lords sent a Message to the Commons, that there might be a Conference about *Goodwin's* Election. The Commons surprized at so extraordinary a Message, answered, They did not think themselves obliged to give an Account of their Proceedings, and therefore could not grant the Conference required. The Lords replied, the King having been acquainted with what had passed in
Good-

(*n*) *Rapin*, Vol. II. p. 168, et seq.

Goodwin's Case, thought himself engaged in Honour to have the Affair debated again, and had ordered them to confer with the Commons upon it. Whereupon, the Commons, by their Speaker, gave their Reasons to the King, why they could not admit of this Innovation. But all they could obtain was, that instead of a Conference with the Lords, the King commanded them to confer with the Judges. This pleased them no more than the other. They set down their Reasons in Writing, and delivered them at the Council-Chamber, to desire their Lordships to intercede for them to the King, not to violate their Privileges. The Answer was, the King absolutely commanded them to have a Conference with the Judges. The Commons were extremely surprized at so absolute an Order. Mean while, fearing to be accused of too easily engaging in a Quarrel with the King, they thought it more proper to yield, than stand out, fully bent however to adhere to what had been determined in the Case of the contested Election. Certainly the King had engaged in a very nice Affair, and probably would not have come off with Honour, had he not been disengaged by *Goodwin's* Moderation. Sir *Francis* chusing to forfeit his Right rather than occasion a Quarrel between the King and the Commons, desired the House to order the County of *Bucks* to elect another Knight in his Stead. The King and Commons equally accepted of this Expedient, which prevented them from coming to Extremities; but the King found from hence, that no great Account was made of the Proclamation upon calling the Parliament, whereby he meant to be Master of the Elections.' Thus far Mr. *Rapin*.

This CASE of Sir *Francis Goodwin* was printed, by Order of the House of Commons, Anno 1704, under the Direction of *Robert Harley*, Esq. (afterwards Earl of *Oxford*) then Speaker, on Occasion of the famous Debate, at that Time, upon the *Aylesbury* Election.—Several Passages therein were distinguished by being printed in a different Character: As such Distinction seems to point out the

An. 1 James L.
1603.

As. 1 James I. the Sense of the then House of Commons, upon
1603. this Matter, the same Method is followed here.

*The CASE between Sir FRANCIS GOODWIN and
Sir JOHN FORTESCUE, &c. (o)*

Debate on a Re-
turn for the
County of Buck-
ingham.

THE first Motion was made on the 22d of March, by Sir William Fleetwood, one of the Knights returned for the County of Bucks, on the Behalf of Sir Francis Goodwin, Kt. who, upon the first Writ of Summons directed to the Sheriff of Bucks, was elected the first Knight for that Shire: But the Return of his Election being made, it was refused by the Clerk of the Crown, *quia utlagotus (p)*: And because Sir John Fortescue, upon a Second Writ, was elected, and entered in that Place, his Desire was, That this Return might be examined, and Sir Francis Goodwin received as a Member of the House. The House gave Way to the Motion; and for a more deliberate and judicial Proceeding in a Case of Privilege so important to the House,

Ordered, *That the Serjeant (the proper Officer of the House) should give Warning to the Clerk of the Crown to appear at the Bar at Eight o'Clock the next Morning, and to bring with him all the Writs of Summons, Indentures, and Returns of Elections for the County of Bucks, made and returned for this Parliament; and to give Warning also to Sir Francis Goodwin, to attend in Person, whom their Pleasure was to hear, Ore tenus, to deliver the State of his own Cause, and the Manner and Reasons of the Proceeding in the Election of the Knights of the Shire for that County.*

March 23d, Sir George Coppin, Kt. Clerk of the Crown, appeared at the Bar accordingly, and produced all the Writs of Summons, Indentures, and Returns made of the Knights of Buckinghamshire for this Parliament; which were severally read by the Clerk of the House, and then the Clerk of the Crown commanded to retire to the Door: And
after,

(p) *Four. Dom. Com. An. 1 James I.*

(p) In the King's Proclamation for calling this Parliament a Caution is given against Electing outlaw'd Persons. See before, p. 7.

after, Sir *Francis Goodwin* himself attending to know the Pleasure of the House, was called in, to deliver the State of his own Cause, *Ore tenus*; wherein he was heard at large, and commanded again to retire until the House had determined what to do.

In this mean Time the whole Case was at large opened, and argued *pro & contra*, by sundry learned and grave Members of the House; and after much Dispute, the Question was agreed upon and made.

Whether Sir Francis Goodwin were lawfully Elected and Returned one of the Knights for Bucks, and ought to be Admitted and Received as a Member of this House?

Upon this Question, it was

Resolved in the Affirmative, That he was lawfully Elected and Returned, and (*de Jure*) ought to be Received.

Hereupon the Clerk of the Crown was commanded to file the first Indenture of Return: And Order was given, That Sir *Francis* should presently take the Oath of Supremacy as usual, and his Place in the House; which he did accordingly.

March 27th, Sir *Francis Bacon*, in reporting a Conference with the Lords, touching Wardship and other Things, reported, That a Lord touched the Case of Sir *Francis Goodwin* as a Thing he had heard at large, but did not understand it; and therefore desired to know it more particularly from this House. To which Answer was made, That they had no Warrant from the House to speak of it.

Sir *Edward Coke*, his Majesty's Attorney-General, and Mr. Doctor *Hone*, bring a Message from the Lords, expressing with what Acceptation their Lordships entertained their Motion Yesterday, not only for the Matter, being of very great Weight and Consequence, but especially for the Manner; namely, That, touching Wardship, they would not petition for Ease in it as a Matter of Wrong, but of Grief; and pray to be relieved by Grace, and not by Justice: And their Lordships for Answer were desirous, and moved at that Time to couple in the same Petition the Matter of Grievance,

An. 1 James I. Grievance, of Respite of Homage; which his Majesty, out of his gracious Favour and Love to his People, had himself taken Knowledge of. *And as they conceive it to be likely, that the Conference may continue between the Two Houses, touching the said Matters; as they are very zealous of the Furtherance of their Purpose, so are they jealous of any Impediment that may breed Lett or Hindrance therein: Therefore they desire, for a more clear Proceeding and Removing of all Stumbling-Blocks, that the former Committees may, in a second Conference to be had, have Authority to treat touching the Case of Sir Francis Goodwin, the Knight for Buckinghamshire, first of all, before any other Matter were farther proceeded in.*

The Answer to this Message was (as usual) *That they would return Answer by Messengers of their own.*

Upon this Message it was argued by some, *That in no sort they should give Account to the Lords of their Proceedings in the House; but that Mr. Speaker should from the House be a Suitor to his Majesty, to have Access, and as their common Mouth give his Highness Satisfaction by Direction from the House: That now the Judgment of Sir Francis Goodwin's Case having passed the House, it could not, nor ought not, to be reversed by them. A Precedent, Anno 27 Eliz. cited; where a Bill brought down from the Lords, upon the First Reading was rejected; the Lords sent Messengers to demand a Reason of their Judgment: It was denied to yield any Reason.*

This Argument brought forth this Question, which Mr. Speaker was ordered by the House presently to make, viz.

Whether they should Confer with the Lords, touching the Case of Sir Francis Goodwin the Knight for Buckinghamshire? And Resolved, That they should not.

It was then considered as fit to return some Answer to the Message from the Lords; and Mr. Secretary Herbert, with some other of the Committees, were appointed to deliver to their Lordships, from the House, *That they did conceive it did not stand in Honour and Order of the House, to*
give

give Account of any their Proceedings or Doings: An. 1 James I. 1604.
But if their Lordships have any Purpose to confer for the Residue, that then they will be ready at such Time and Place, and with such Number as their Lordships shall think meet.

Upon the last Message to the Lords, the Messengers return, That their Lordships would presently send Answer by Messengers of their own.

Sir *Edward Coke*, his Majesty's Attorney-General, Dr. *Carew*, Dr. *Hone*, and Mr. *Tyndall*, delivered from the Lords, That their Lordships taking Notice in particular of the Return of the Sheriff of *Bucks*; and acquainting his Majesty with it, his Highness conceived himself engaged and touched in Honour that there might be some Conference of it between the Two Houses; and to that End, signified his Pleasure unto them, and by them to this House.

Upon this Message, so *Extraordinary* and *Unexpected*, the House entered into some Consideration what were fit to be done; and it was *Resolved*, That his Majesty might be moved for Access the next Day. And afterwards they understood his Pleasure to be, That they should attend at *Whitehall* at Eight the next Morning. But because the Time was then somewhat far spent, they *Ordered*, That the House, with Mr. Speaker, should meet at Six the next Morning in the House. Yet afore their Rising, they thought fit to name a Committee of twenty-nine Members, to set down the Effect of that which Mr. Speaker was to deliver from the House to the King, who were to meet at Four that Afternoon at the Parliament-Chamber in the *Middle-Temple*.

Accordingly on the 28th, Mr. Speaker, with a great Number of the House, assembled at Six in the Morning, with a Purpose to treat and resolve what should be delivered to his Majesty, (being appointed to attend him the same Morning at Eight) touching the Reasons of their Proceeding in Sir *Francis Goodwin's* Case: But because the House was not then thought full enough for a Matter of that Consequence, they proceeded to the Reading of Bills.

Upon

An. 1 James I.
1603.

Upon Motion touching Mr. Speaker's Attendance on the King, a Committee was named to accompany him, consisting of *All the Privy-Council, being Members of the House, and sixty-seven more (q).*

Mr. Speaker, together with these Committees, were this Day, at Eight in the Morning, appointed to attend his Majesty, and to relate the Reasons of the Proceeding of the House in Sir *Francis Goodwin's* Case; where, upon Answer or Reply, such Lawyers as be of the Committee are to give their Assistance.

The next Day Mr. Speaker related what he had delivered to the King by Warrant from the House, touching their Proceeding in Sir *Francis Goodwin's* Case, and his Majesty's Answer; *whereof, because Part was afterwards penned by Select Committees,* read in the House, and offered in Writing to the King, he had but touched the Heads, omitting many Circumstances. He said, he First delivered,
1. The Manner and Matter. 2. Then such Precedents as had been vouched and stood upon.
3. He opened the Body of the Law for Election.

The First Writ of Summons, dated *Ultimo Januarii* before the Parliament: The Writ issued duly: The Liberty was free, by that Writ, to choose in *Pleno Commitatu*: The Election was made according to that Writ, and the Indenture duly returned; *and therefore adjudged by the House,* That this First Election being good, the Second was consequently void.

For the Matter of Utlawry against Sir *Francis Goodwin*, there was one prosecuted against him at the Suit of *Johnson*, 31 *Eliz.* for 60 *l.* and was laid and proceeded in the *Hustings, London.* Another, at the Suit of one *Hacker*, for 16 *l.* 39 *Eliz.* That Sir *Francis* had since been chosen, admitted, and served as a Member of this House, in the several Parliaments holden 39 and 43 *Eliz.* That the Utlawry remained in the *Hustings*, so as the Law could not take Notice of it; neither was it

(q) There Names are in the *Journals*; But, for Brevity's Sake, omitted here.

it pleadable. 1 *Eliz.* One *Smith* was found Ut-
lawed, and Privileged by the House. 22 *Eliz.*
One *Vaughan* Utlawed, and, upon the Question
and Division of the House, Privileged, being car-
ried with the Difference of six Voices. 35 *Eliz.*
Three Precedents vouched. 39 *H. VI* (r). *Fitz-*
Herbert: The Case not judged; but Opinions deli-
vered. Mr. *John Killegree* having 52 Utlawries
returned against him, was admitted to Serve in the
House. Sir *William Harecourt* was found Eigh-
teen Times Utlawed, and yet was admitted to
Serve.—The Manner of the Election is limited
by the Statute. The supposed Utlawry, 31 *Eliz.*
against Sir *Francis*, was no Utlawry at all; for
wheresoever a Man is sued, the Proclamation ought
to go into the County where the Party dwelleth;
or else the Utlawry is not good. 39 & 43 *Eliz.*
The general Pardon is good for Utlawries, against
all, saving the Party at whose Suit. 31 *Eliz.* It
was *Franciscus Goodwin*, Gen. 39 *Eliz.* *Francis-*
cus Goodwin, Armig. The Sheriff is no Judge of
the Utlawry, neither could take Notice it was the
same Man; and therefore could not properly return
him Utlawed.

An. 1 James I.
1604.

That his Majesty answered, He was loath he
should be forced to alter his Tune; and that he
should now change it into Matter of Grief, by way
of Contestation. He did sample it to the Murmur
and Contradiction of the People of *Israel*. He did
not attribute the Cause of his Grief to any Purpose
in the House to offend him; but only to a mistak-
ing of the Law. For Matters of Fact, he an-
swered them all particularly, That for his Part he
was indifferent which of them was chosen, Sir
John or Sir *Francis*: That they could suspect no
special Affection in him; because this was a Coun-
sellor not brought in by himself. That he had no
Purpose to impeach their Privilege; but since they
derived

(r) The Accurate Editor of the printed *Journals* makes this
Remark, 'The Words (39 *H. VI.*) seem to be improperly inserted
' here, and are, in the Book of Notes, placed before the Citation
' of *Smyth's Case*, 1 *Eliz.* and in the Margin of the Journal itself
' against these Words is written, *Quart.*'

An. 1 James I.
1604.

derived all Matters of Privilege *from him, and by his Grant*, he expected they should not be turned against him. That there was no Precedent did dispute this Case fully: Precedents in the Times of *Minors, of Tyrants, of Women, of Simple Kings*, not to be credited; because for some private Ends. By the Law this House ought not to meddle with Returns, being all made into the *Chancery*, and are to be corrected or reformed by that Court only, into which they are returned. *An. 35 H. VI.* it was the Resolution of all the Judges, That Matter of Utlawry was a sufficient Cause of Dismission of any Member out of the House. *That the Judges have now Resolved*, That Sir Francis Goodwin standeth Utlawed according to the Laws of this Land.

In Conclusion, it was his Majesty's special Charge unto us,

That, First, the Course already taken should be truly Reported. 2. That we should debate the Matter, and Resolve amongst ourselves. 3. That we should admit of Conference with the Judges. 4. That we should make Report of all the Proceedings, unto the Council.

This Relation being made, the House did not enter into any further Consideration of the Matter at that Time; but *Resolved, and Ordered*, That it should be the First Matter moved the next Morning.

March 30th, it was moved and urged by a Member, touching the Difference now on Foot between the King and the House, That there is just Fear of some great Abuse in the late Election. That in his Conscience the King hath been much misinformed; and that he had too many Misinformers, which he prayed God might be removed or lessened in their Number. That now the Case of Sir *John Fortescue*, and Sir *Francis Goodwin* was become the Case of the whole Kingdom. That *Old Lawyers* forget, and commonly interpret the Law according to the Time: That by this Course the Free Election of the Country is taken away, and none shall be chosen, but such as shall please the King and Council. Let us therefore, with Fortitude, Under-

derstanding and Sincerity, seek to maintain our Privilege; which cannot be taken or construed any Contempt in us, but meerly a Maintenance of our Common Right, which our Ancestors have left us, and is just and fit for us to transfer to our Posterity.

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Another; For a Law to be made, That never any Man, Outlawed, should shew his Face here again. The Difference, he observed, was some unrespective Carriage towards his Majesty in this Matter: And therefore let our Proceeding be dutiful and careful towards him, in advising of some speedy Course to give his Majesty Satisfaction; that is (as he conceived) according to the King's Project, First, to advise amongst ourselves, and then to confer with the Judges, *not as Parliament-Men; but as Counsellors*; not as though they were to reverse our Errors, but that we might be better informed; not now the Case of Sir John and Sir Francis, but a Case of great Difference between the King and us, wherein we are deeply to consider the Consequence if this Pique be bruited in the Country, abroad or beyond the Seas. It is fit we let the King see how much we take to Heart this Matter, sythence our Affections have so much appeared in the passing and present Expediting of the Act of Recognition, &c. *Concl.* That we should tender our humble Petition to his Majesty, for Leave to make a Law for the Banishing of all Outlaws hereafter from the Parliament, and pray, That we may hold all our Privileges entire.

A Third, That we ought not to contest with the King; that it is fit to have a Conference: That by it we shall lose no Privilege, but rather gain; for the Matters of the Conference will be Two, Satisfaction of the King, and putting in Certainty our Privilege. All is not yet said that may be said; we are not to dispute with one that is Governor of Thirty Legions. *Constitutum est ne frustra interrogasset.* Let us deal plainly and freely with the Lords, and let them know all the Reasons. They are jealous of the Honour of a Privy-Counsellor, we of the Freedom of Election. It

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is fit great Men maintain their Prerogative; so is it fit that we maintain our Privileges. *This is a Court of Record*, therefore ought we by all Means to seek to preserve the Honour and Dignity of it. If a Burgess be chosen for Two Places, the Burgess makes his Choice for which he will serve, and a Warrant shall be directed from Mr. Speaker, in the Name of the House, to the Clerk of the Crown to send forth a Writ for a new Election for the other Place left; which is a direct Proof that it is a Court of *Power* and of *Record*. We have a Clerk and a Register; all Matters that pass here are entered of Record, and preserved. As they stand for the Honour of a Counsellor, so we for our Privileges. It is to be wished, That we had a Law to declare our Privileges, that we have a Court of Record and a Register. Obj. *We* (they say) *are but half of the Body, and the Lords are the Parts nearest the Head.* Ans. Nothing ascends to the Head but by the Breasts, &c. Concl. That we may pray it may be explained by a Law what our Privileges are; and that no Man Outlawed (s) may hereafter be admitted.

There must be a Judge of the Return before we sit; and this is now judged according to the positive Laws of the Realm by the King, which infringeth not our Liberty, since we judge after the Court is set, according to Discretion. No Precedent, That any Man was put out of the House for Utlawry; therefore it had been fit we should have desired to inform the King that he was misinformed. — Let us now leave this particular Case to the King, and Consider and Resolve of the Material Questions that will fall out in the Debate of it.

1. Whether this Court hath Power to take Notice of Returns made before we sit here?
2. Whether Men Utlawed may be of the House?
3. Whether a Man pardoned, having not sued forth a Writ of *Scire facias*, may be called in Question?
4. Whether the Writ were returned the 17th of *February* or no, upon Oath of the Sheriff?

Some

(s) Sometimes *Utlawry* and *Utlawed*, sometimes *Outlawry* and *Outlawed*, in the Original.

Some others were strong in Opinion, That we ought not to confer nor to commit, saying, That Majesty had conferred with Justice; yet Majesty had left the Stopping of the Wound to us. We should taint ourselves with Three great Blemishes, if we should alter our Judgment; Levity, Cruelty and Cowardice. There be three Degrees of upright Judgment; Motion, Examination, Judgment: All these have passed us. No Court can reform their own Judgment. Every Day a Term here. Every Act that passeth this House, is an Act of Parliament. Shall Justice float up and down? Shall he be a Member To-day, and shall we tear him off To-morrow? If the Member be sound, it is Violence: If the Hand tear the rest, it is Cruelty. No Part torn, but it may bleed to the Ruin of the whole.—Let Sir Francis Goodwin stand as he is: Duty and Courage may stand together; let not the House be inveigled by Suggestions. This may be called a *Quo Warranto* to seize our Liberties.

There hath been Three Main Objections.

1. The King's Exception. *We could shew no Precedent in this Kind.* Answ. *The King could shew no such Writ before. Our Hands were never sought to be closed before, nor we prevented. It opens a Gap to thrust us all into the Petty Bag. A Chancellor may call a Parliament of what Persons he will by this Course. Any Suggestion, by any Person, may be Cause of sending a new Writ.*

2. Objection by the Lord Chief Justice. *By the Law we had nothing to do to examine Returns.* Answ. *Judges cannot take Notice of private Customs or Privileges: But we have a Privilege which stands with the Law.* The Judges informed the King of the Law, but not of the Case of Privilege. It is true, 35 H. 6. all the Judges resolved, That no Outlawed Man ought to be admitted; but that was Controlled by Parliament. It is the same Opinion now; let us controll it as then; we have done no Offence to the State: Let us therefore be constant in our own Judgment.

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1604

3. *Objection.* ***** Another; *The King's Pleasure, That we should deliver the Reasons of that we have done to be just.*—If we clear our Contempt, we have discharged ourselves. The *King's-Bench* cannot reverse their Judgment the same Term; therefore not the Parliament. Let us send a Message to the Lords, That we are ready so to do, as we do not undo this House.

Others; *Non coronabitur qui non legitime certaverit.* Not to be termed a Difference between his Majesty and the Commons. *Rogamus, Auguste, non pugnamus.* The Question is not of Matter of Privilege, but of Judgment. Let us attend them as Lords of the Council, and not as Lords of Parliament.----- We do no ways Contest or Contend with his Majesty. The King is no way bound in Honour. If Writs go forth unduly, they may be controlled without Impeachment to the King's Honour. It is the Act of his Inferior Officers. It is now come to this Question, *Whether the Chancery or Parliament ought to have Authority?* Quest. *Whether we ought to satisfy the King in his Commandment?*

The King's Message was, That we should Consider within ourselves, and Resolve of ourselves; then no Need to confer with the Judges: If we cannot, then it is fit to be Resolved by the Judges. ---The Judges have judged, and we have judged; What Need then of Conference? Let there be no Spark of that Grace taken from us, which we have had already from his Majesty. Let our Reasons be put into Articles, and delivered in all Humbleness unto him.

Upon the Conclusion of this Debate in this Manner, the House proceeded to Question; and the first was.-----1. Q. *Whether the House was Resolved in the Matter?*

And the Question was Answered by general Voice, that the whole House was Resolved.-----

2. Q. *Whether the Reasons of their Proceeding shall be set down in Writing?* And it was Resolved, That they shall, and Ordered further, That a Committee should be named for that Purpose, and appointed

appointed first to set them down in Writing, and to bring them to the House, there to be published, and to receive their Allowance. Ath. 1 James I.
1604.

A Committee was instantly named, consisting of Mr. Recorder of *London*, Mr. Solicitor, Mr. Attorney of the Wards, All the Serjeants at Law, and thirty-seven Members more. To meet this Afternoon, at Two, in the *Exchequer-Chamber*.

The Authority given unto them by the House, was this :-----The House being resolved, upon the Question, That the Reasons of their precedent Resolution, touching the Return, Admittance and Retaining of Sir *Francis Goodwin* as a Member of this House, should be set down in Writing; these Committees were specially appointed to perform that Service, and have Warrant from the House to send for any Officer, to View and Search any Record, or other Thing of that Kind, which may help their Knowledge or Memory in this particular Service: And having deliberately by general Consent set down all such Reasons, they are to bring them in Writing into the House, there to be Read and Approved, as shall be thought fit.

April 2. it was moved, That Committees might be named to take the Examination of the Sheriff of *Buckinghamshire*, who was by former Order sent for, and now come. And a Committee was named and appointed to take his Examination presently.

Sir *Charles Cornwallis* moved in Excuse of Sir *Francis Goodwin's* Absence from the House, and prayeth, That they would as well in their own Judgment pardon it, as witness and affirm his Care and Modesty, upon all Occasions, to the King, in that he hath forborn, during all the Time of this Question, to come into the House.

The Examination of the Sheriff having been presently taken by the Committees, was returned in this Form.-----Interr. 1. *Why he moved the County from Aylesbury to Brickhill?*

He saith, It was by Reason of the Plague being at *Aylesbury*, the County being the 25th of *January*,

An. 2 James I. 1604. ary, at which Time three were dead of the Plague there. This was the only Motive of removing his Country.

Interr. 2. *Whether he were present at the first Election?*---He was present, and was as faithful to with the second Place to Sir Francis Goodwin, as the first to Sir John Fortescue; sent Sir Francis Goodwin word, before the Election, he should not need to bring any Freeholders, for the Election he thought would be without Scruple for them both; first to Sir John, second to Sir Francis. About Eight o'Clock he came to Brickhill; was then told by Sir George Throckmorton, and others, That the first Voice would be given for Sir Francis; he answered, He hoped it would not be so, and desired every Gentleman to deal with his Freeholders. After Eight went to the Election, a great Number there being Children; never at the County. After the Writ read, he first intimated the Points of the Proclamation; then jointly propounded Sir John Fortescue and Sir Francis Goodwin. The Freeholders cried first, *A Goodwin, A Goodwin*: Every Justice of Peace on the Bench said, *A Fortescue, A Fortescue*; and came down from the Bench before they named any for a second Place, and desired the Freeholders to name Sir John Fortescue for the first. Sir Francis Goodwin, being in a Chamber near, was sent for by the Sheriff and Justices; and he came down and earnestly persuaded with the Freeholders, saying, *Sir John was his good Friend, had been his Father's, and that they would not do Sir John that Injury*: Notwithstanding the Freeholders would not desist, but all cried, *A Goodwin, A Goodwin*; some crying, *A Fortescue*, to the Number of 60 or thereabouts, the other for Sir Francis Goodwin, being about 200 or 300; and Sir Francis Goodwin, to his thinking, dealt very plainly and earnestly in this Matter for Sir John Fortescue; for that Sir Francis Goodwin did so earnestly protest it unto him.

Interr. 3. *Who laboured him to make the Return so long before the Day of the Parliament?*-----He being here in London, Mr. Attorney-General, the

the 2d of *March*, at his Chamber in the *Inner-Temple*, delivered him two *Cap. Utlagat*, against Sir *Francis Goodwin*; and before he made his Return, he went and advised with Mr. Attorney about his Return, who penned it, and so it was done by his Direction: And the Return being written, upon *Friday* after the King's Coming through *London*, near about my Lord Chancellor's Gate, in the Presence of Sir *John Fortescue*, he delivered the Writ, to Sir *George Coppin*: And at this Time (it being about Four in the Afternoon) and before they parted, Sir *John Fortescue* delivered him the second Writ sealed; Sir *John Fortescue*, Sir *George Coppin*, and himself, being not above an Hour together at that Time, and never had but this new Writ of Parliament to him delivered.

James I.
1604.

Subscribed, *Francis Cheyne*.

This was returned by the Committee to the Hands of the Clerk, but not at all read in the House,

Mr. Speaker remembreth the Matter of Conference with the Judges, and offereth to repeat and put again the Questions that were formerly made; being before uncertainly and unperfectly left (as he said) in the Case of *Buckinghamshire*, viz.

1. *Whether the House were resolved in the Matter?*

2. *Whether they should confer with the Judges?*

And at length induced the House to entertain the latter Question; and, being made, was carried by general Voice in the Negative, *No Conference*.

Upon this Passage, it was urged for a Rule, That a Question being once made, and carried in the *Affirmative* or *Negative*, cannot be questioned again; but must stand as a Judgment of the House.

It was thought fit that Mr. Speaker should attend the Committee for penning the Reasons in Sir *Francis Goodwin's* Case, not by Commandment, but Voluntarily of himself.

The next Day the Reasons of the Proceeding of the House in Sir *Francis Goodwin's* Case, penned

An. 1. James I. ned by the Committee, were, according to former
1604. Order, brought in by Mr. *Francis Moore*, and read
by the Clerk, directed in Form of a Petition.

To the KING's Most Excellent Majesty.
*The Humble Answer of the Commons House of Par-
liament to His Majesty's Objections in Sir Francis
Goodwin's Case.*

MOST Gracious, our Dear and Dread
Sovereign, Relation being made to Us by
our Speaker, of Your Majesty's Royal Clemency
and Patience in hearing us, and of Your Princely
Prudence in discerning; shewing affectionate De-
sire rather to receive Satisfaction to clear us, than
Cause to pardon us: We do in all Humbleness
render our most bounden Thanks for the same;
protesting, by the Bond of our Allegiance, That
we never had Thought to offend Your Majesty;
at whose Feet we shall ever lie prostrate, with
Loyal Hearts, to sacrifice our selves and all we
have for Your Majesty's Service: And in this
Particular, we could find no Quiet in our Minds;
that would suffer us to entertain other Thoughts,
until we had addressed our Answer to Your Most
Excellent Majesty; for which, nevertheless, we
have presumed of the longer Time, in respect we
have prepared some Precedents, requiring Search,
to yield Your Majesty better Satisfaction.

There were objected against us by Your Majesty
and Your Reverend Judges, Four Things, to im-
peach our Proceedings, in receiving *Francis Good-
win*, Knight, into our House.

Objection 1. The First, *That we assume to our
selves Power of Examining of the Elections and
Returns of Knights and Burgessees, which be-
longeth to Your Majesty's Chancery, and not to
us: For that all Returns of Writs were exa-
minable in the Courts wherein they are return-
able; and the Parliament Writs being returnable
into the Chancery, the Returns of them must
needs be there examined, and not with us.*

Our

Our Humble Answer is, That, until the 7th An. 1 James I. 1604. Year of King Henry IV. all Parliament Writs were returnable into the Parliament; as appeareth by many Precedents of Record ready to be shewed, and consequently the Returns there examinable: In which Year a Statute was made, That thenceforth every Parliament Writ, containing the Day and Place where the Parliament shall be holden, should have this Clause, viz. *Et Electionem tuam in pleno Comitatu factam, distincte & aperte, sub Sigillo tuo & Sigillis eorum, qui Electioni illi interfuerint, nobis in Cancellariam nostram ad Diem & Locum in Breui content' certifies indilate (1).*

By this, although the Form of the Writ be somewhat altered, yet the Power of the Parliament to examine and determine of Elections, remaineth; for so the Statute hath been always expounded ever sithence, by Use to this Day: And for that Purpose, both the Clerk of the Crown hath always used to [attend] all the Parliament Time, upon the Commons House, with the Writs and Returns; and also the Commons in the Beginning of every Parliament, have ever used to appoint special Committees, all the Parliament Time, for examining Controversies concerning Elections and Returns of Knights and Burgesses: During which Time, the Writs and Indentures remain with the Clerk of the Crown; and after the Parliament ended, and not before, are delivered to the Clerk of the Petty-Bag in Chancery, to be kept there; which is warranted by Reason and Precedents: Reason; for that it is fit that the Returns should be in that Place examined, where the Appearance and Service of the Writ is appointed. The Appearance and Service is in Parliament, therefore the Return examinable in Parliament.

Precedents: One in the 29th Year of the Reign of the late Queen Elizabeth, where, after one Writ awarded into Norfolk for the Choice of Knights, and Election made and returned, a second was, before the Parliament-Day, awarded by the Ld. Chancellor, and thereupon another Election and Return made

(1) See Vol. II. p. 105.

An. 1 James I.
1604.

made; and the Commons being attended with both Writs and Returns by the Clerk of the Crown, examined the Cause, allowed the First, and rejected the Second. So *Anno 23 Elizabethæ Reginae*, a Burgeſs was returned dead, and a new choſen, and returned by a new Writ: The Party returned dead appeared; the Commons, notwithstanding the Sheriff's Return, admitted the First choſen, and rejected the Second. Also, the ſaid 23d Year, a Burgeſs choſen for *Hull* was returned Lunatick, and a new choſen upon a Second Writ: The First claimed his Place; the Commons examined the Cause, and finding the Return of Lunacy to be true, they reſuſed him; but if it had been falſe, they would have received him. *Anno 43 Elizabethæ*, the Sheriff of *Rutlandſhire* returned himſelf elected; the Commons finding that he was not eligible by Law, ſent a Warrant to the *Chancery* for a new Writ to chuſe anew. *Anno 43 Eliz.* alſo a Burgeſs was choſen Burgeſs for two Boroughs; the Commons, after he had made Election which he would ſerve for, ſent Warrant to the *Chancery* for a Writ to chuſe a new for the other Borough: Of which kind of Precedents there are many other, wherewith we ſpare to trouble your Majeſty. All which together, viz. Uſe, Reason and Precedents, do concur to prove the *Chancery* to be a Place appointed to receive the Returns, as to keep them for the Parliament, but not to judge of them; and the Inconvenience might be great, if the *Chancery* might, upon Suggestions or Sheriffs Returns, ſend Writs for new Elections, and thoſe not ſubject to Examination in Parliament: For ſo, when fit Men were choſen by the Counties and Boroughs, the Lord Chancellor, or the Sheriffs, might diſplace them, and ſend out new Writs, until ſome were choſen to their Liking; a Thing dangerous in Precedents for the Time to come, howſoever we reſt ſecurely from it at this preſent by the now Lord Chancellor's Integrity.

Object. 2. *That we dealt in the Cauſe with too much Precipitation, not ſeemly for a Council of Gravity,*

*vity, and without Respect to your most excellent Ma. & James I.
Majesty, our Sovereign, who had directed the 1609.
Writ to be made; and being but half a Body,
and no Court of Record alone, refused Confer-
ence with the Lords, the other half, notwith-
standing they prayed it of us.*

Our humble Answer is, to the Precipitation, That we entered into this Cause, as in other Parliaments of like Cases hath been accustomed; calling to us the Clerk of the Crown, and viewing both the Writs, and both the Returns; which in Cases of * * * * * and Motions, though not of Bills (requiring three Readings,) hath been Warrant by continual Usage amongst us: And thereupon, well finding that the latter Writ was awarded and sealed before the *Chancery* was repossessed of the former, which the Clerk of the Crown, and the Sheriff of the County, did both testify, and well held to be a clear Fault in Law, proceeded to Sentence with the less Respect of the latter Election. For our Lack of Respect to your Majesty, we confess, with Grief of our Hearts, we are right sorry it shall be so conceived; protesting, That it was no way made known unto us before that Time, that your Majesty had taken to yourself any special Notice, or directed any Course in that Cause, other than the ordinary awarding Writs by your Highness's Officers in that Behalf; But if we had known as much (as some will have) by your Majesty's royal Mouth, we would not, without your Majesty's Privy, have proceeded in that Manner. And further, it may please your Majesty to give us Leave to inform you, That in the Examination of the Cause, the Sheriff avouched unto us, That *Goodwin* agreed to yield the First Place of the Two Knights to Sir *John Fortescue*, and in his own Person, at the Time of Election, with extraordinary Earnestness, entreated the Electors it might so be, and caused the Indentures to be made up to that Purpose; but the Electors utterly refused to seal them. Concerning our refusing Conference with the Lords, there was none desired

Ad. s. James I. desired until after our Sentence passed; and then
1604.

we thought, That in a Matter private to our own House, which, by Rules of Order, might not be by us revoked, we might, without any Imputation, refuse to confer. Yet understanding by their Lordships, That your Majesty had been informed against us, we made haste (as in all Duty we were bound) to lay open to your Majesty, our good and gracious Sovereign, the whole Manner of our Proceeding; *not doubting, though we were but Part of a Body, as to make new Laws, yet for any Matter of Privileges of our House, we are and ever have been a Court of ourselves, of sufficient Power to discern and determine without their Lordships, as their Lordships have used always to do for theirs without us.*

Object. 3. *That we have, by our Sentence of receiving Goodwin, admitted, That Outlaws may be Makers of Laws; which is contrary to all Laws.*

Our humble Answer is, That notwithstanding the Precedents which we truly delivered, of admitting and retaining Outlaws in Personal Actions in the Commons House, and none remitted for that Cause; yet we received so great Satisfaction, delivered from your royal Majesty's own Mouth, with such excellent Strength and Light of Reason, more than before, in that Point, we heard or did conceive, as we forthwith prepared an Act to pass our House, That all Outlaws henceforth shall stand disabled to serve in Parliament: But as concerning *Goodwin's* Particular, it could not appear unto us, having thoroughly examined all Parts of the Proceedings against him, That he stood an Outlaw, by the Laws of *England*, at the Time of the Election made of him by the County; and that for two Causes: The First is, That where the Party Outlawed ought to be five Times proclaimed to appear in the Sheriff's County Court; and then not appearing, ought to be adjudged Outlawed by the Judgment of the Coroners of the County; there appeareth no Record made in the *Hustings* of *London*, that *Goodwin* was five Times proclaimed, or
that

that the Coroners gave Judgment of Outlawry against him : But a Clerk lately come to that Office, hath now, many Years after the Time, and since this Election, made Entries, interlined with a new Hand, that he was Outlawed : To which new Entries we could give no Credit, for that the Parties, at whose Suit *Goodwin* was sued, have testified in their Writings of Release, That they never proceeded further than to take out the Writ of *Exigent* for an Outlawry ; and being then paid their Money, desisted there : By which we find, That *Goodwin* was not five Times proclaimed, nor adjudged Outlawed, being a Thing usual in *London* to spare that Proclamation, and Judgment, if the Party call not upon it ; and no Record being made for many Years together that either of them was done.

The Second Cause was, for that the Writ of *Exigent*, by which the Sheriff was commanded to proclaim him five Times, was never lawfully returned, nor certified by *Certiorari* ; without which we take it, that *Goodwin* stood not disabled as an Outlaw.

To this, adding the two general Pardons by Parliament, which had cleared the Outlawry in Truth and Substance (if any were ;) and that *Goodwin* could not apply the Pardons by *Scire fa.* for that no Record nor Return was extant of the Outlawry, whereupon he might ground a *Scire fa.* we were of Opinion, and so your Majesty's most Reverend Judges would have been if they had known thus much, That *Goodwin* stood not disabled by Outlawry to be Elected or Serve in Parliament : But when we considered further, That the Course taken against *Goodwin* for drawing him into this Outlawry of Purpose to disable him to serve in this Place, whereto the County had freely elected him, was unusual ; we could not with the Reputation of our Places, serving as a Council of Gravity, in Allowance or Continuance of that Course, censure him to be rejected as an Outlaw : The Particulars of which were these, viz.

Two

An. 1 James I.
1604.

Two Exigents awarded, * * * * * the other seven Years past to the *Hustings* in *London*: No Entry made of five Proclamations; nor of any Judgment of the Coroners; nor any Return of the Exigents made or endorsed; the Party Plaintiff satisfied, the pretended Outlawries being but upon mean Process: And as to your Majesty's Duties and Contempts pardoned now since *Goodwin* was elected Knight, the Exigent now sought out since the Election procured to be returned in the Name of the Sheriffs that then were, and are long since dead, and new Entry made of the five Proclamations and Coroner's Judgment; and now a Return made of that old Exigent, which could be of no Use, but only for a Purpose to disable him for that Place. Upon all which we could do no less, in true Discretion, than certify the Election made *Secundum æquum et bonum*.

Object. 4. *That we proceeded to examine the Truth of the Fact of Outlawry, and gave our Sentence upon that; whereas we ought to have been bound by the Sheriffs Return of the Outlawry from further Examining, Whether the Party were Outlawed or not?*

Our humble Answer is, That the Precedents cited before, in our Answer to the first Objection, do prove the Use of the Commons House to Examine *Veritatem facti*, in Elections and Returns, and have not been tied peremptorily to allow the Return; as if a Knight or Burgess be untruly returned Dead, or Lunatick, yet when he appeareth to the House to be Living and Sound, they have, contrary to the Return, received him into the House, preferring the Truth manifest before the Return. By which discreet Proceeding there is avoided that great Inconvenience abovementioned of giving Liberty to Sheriffs, by untrue Returns, to make and remove whom they list, to and from the Parliament Service, how meet soever the Parties be in the Judgment of the County or Borough that elected them.

Thus

An. 1 James L.
1604.

Thus in all Humility we have presented to your most Excellent Majesty the Grounds and Reasons of our late Action, led with no Affections, but guided by Truth, warranted in our Consciences, imitating Precedents, maintaining our ancient Privileges, honouring your Excellent Majesty in all your Services; to which in all Loyalty and Devotion we bind us, and ours for ever, praying daily on the Knees of our Hearts, to the Majesty of the Almighty, that your Majesty and your Posterity may in all Felicity reign over us and ours to the End of the World.

These Reasons set down and published to the House, Mr. Secretary *Herbert* was sent with Message to the Lords, that the House had resolved of their Answer to his Majesty, in Sir *Francis Goodwin's* Case, and had set it down in Writing, and that it should be sent to their Lordships before Four in the Afternoon; who immediately returned their Lordships Answer, That they would be ready at that Time in the *Council Chamber* at *Whitehall*, with Thirty of the Lords, to receive what then should be delivered. Then were named Threescore to attend the Delivery of the said Reasons at the Time and Place aforesaid.

The same Day in the Afternoon, the House entering seriously into Consultation what Course was to be held with the Lords; as also falling into more Length of Disputation, touching the Bill of Merchants, than were expected, sent five Members as Messengers to the Lords to excuse their long tarrying. And about Five o'Clock, the Committee appointed did attend to deliver the Reasons aforesaid, at the *Council Chamber*, according to Appointment and Order of both Houses; and they were delivered by Sir *Francis Bacon*, one of the Committees, with desire, That their Lordships would be Mediators in Behalf of the House, for his Majesty's Satisfaction.

April 4. Sir *Francis Bacon* having the Day before delivered to the Lords in the *Council-Chamber* at *Whitehall*, according to the Direction of the House.

An. 1 James I.
1604.

House, the Reasons in Writing penned by the Committee touching Sir *Francis Goodwin's* Case, made Report of what passed at the Time of the said Delivery.

First, That though the Committees employed were a Number specially deputed and selected; yet that the Lords admitted all Burgessees without Distinction; that they offered it with Testimony of their own Speed and Care in the Business, so as they said no one Thing had Precedency, but only the Bill of Recognition; that they had such Respect to the Weight of it, as they had not committed it to any Frailty of Memory, or verbal Relation, but put it into Writing for more permanent Memory of their Duty and Respect to his Majesty's Grace and Favour: That in Conclusion they *prayed their Lordships, sithence they had nearer Access, they would co-operate with them for the King's Satisfaction;* and so delivered the Writing to the Hands of the Lord Chancellor, who receiving it, demanded, Whether they should send it to the King, or first peruse it? To which was answered; That since it was the King's Pleasure they should concur, they desired their Lordships would first peruse it. The Lord *Cecil* demanded, Whether they had Warrant to Amplify, Explain, or Debate any Doubt or Question made upon the Reading? To which it was said, They had no Warrant. And so the Writing was read, and no more done at that Time.

April 5th, Mr. Speaker, by a private Commandment, attended the King this Morning at Eight, and there staid till Ten. Mr. Speaker excused his Absence, by reason he was commanded to attend his Majesty; and brought Message from his Majesty to this Effect. That the King had received a Parchment from the House. Whether it were an absolute Resolution, or Reason to give him Satisfaction, he knew not: He thought it was rather intended for his Satisfaction. His Majesty protested, by that Love he bare to the House as his Loving and Loyal Subjects, and by the Faith he did ever owe to God, he had as great a Desire to maintain their Privileges, as ever

any Prince had, or as themselves. He had seen Ad. 2 James I.
1604. and considered of the Manner and the Matter: He had heard his *Judges* and his *Council*; and that he was now distracted in Judgment. Therefore, for his further Satisfaction, he desired, and commanded, *as an Absolute King*, that there might be a Conference between the House and the Judges; and that for that Purpose there might be a Select Committee of Grave and Learned Persons out of the House: That his Council might be present, *not as Umpires to determine, but to Report indifferently on both Sides.*

Upon this Unexpected Message there grew some Amazement and Silence. But at last One stood up and said, The Prince's Command is like a Thunder-Bolt; his Command upon our Allegiance like the Roaring of a Lion. To his Command there is no Contradiction; but how, or in what Manner we should now proceed to perform Obedience, that will be the Question.

Another answered, Let us petition to his Majesty, that he will be pleased to be present, to hear, moderate, and judge the *Case* himself. Whereupon Mr. Speaker proceeded to this Question: *Q. Whether to Confer with the Judges in the Presence of the King and Council?* Which was resolved in the Affirmative. And a select Committee presently named for the Conference, consisting of twenty-one Lawyers, and sixteen other Members.

These Committees were selected and appointed to Confer with the Judges of the Law, touching the Reasons of proceeding in Sir *Francis Goodwin's* Case set down in Writing, and delivered to his Majesty in the Presence of the Lords of his Majesty's Council, according to his Highness's Pleasure signified by Mr. Speaker this Day to the *House*.

It was further Resolved and Ordered by the House, upon the Motion to that End by Mr. *Laurence Hyde* (u), That the aforesaid Committees should insist upon the Fortification, and Explaining of the Reasons and Answers delivered unto his

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F

Majesty;

(u) This Member distinguished himself greatly in the Affair of Monopolies, *An. 43 Eliz.* See Vol. IV. p. 452, &c.

Apr. 2 James I. Majesty; and not proceed to any other Argument
1604. or Answer, what Occasion soever moved in the
Time of that Debate.

April 11th, the House being met according to Adjournment, Sir *Francis Bacon* was expected, and called, to make a Report of the late Conference with the Judges in the Presence of his Majesty and the Lords of the Council: But he made Excuse, saying, he was not Warranted to make any Report; and *tantum permissum, quantum commissum*: Nevertheless, upon a Question, he was over-ruled to make a Report; and a Motion thereupon made, That the Committees might first assemble in the Court of Wards, and confer amongst themselves, and then the Report to be made.

Sir *Francis Bacon*, after the Meeting of the Committees in the Court of Wards, reported what had passed in Conference in the Presence of his Majesty and his Council. "The King said, he would be President himself.---This Attendance renewed the Remembrance of the last, when we departed with such Admiration. It was the Voice of God in Man: The good Spirit of God in the Mouth of Man. I do not say, the Voice of God, and not of Man. I am not one of *Herod's* Flatterers. A Curse fell upon him that said it: A Curse on him that suffered it. We might say as was said to *Salomon*, We are glad, O King, that we give Account to you, because you discern what is spoken. We let pass no Moment of Time, until we had resolved and set down an Answer in Writing, which we now had ready,-----That sithence we received a Message from his Majesty by Mr. Speaker, of Two Parts: 1. The one Paternal. 2. The other Royal. 1. That we were as dear unto him as the Safety of his Person, or the Preservation of his Posterity. 2. Royal, That we should Confer with his Judges, and that in the Presence of himself and his Council: *That we did more now to King James than ever was done since the Conquest, in giving Account of our Judgments.* That we had no Intent in all our Proceedings, to encounter his Majesty,

Majesty, or to impeach his Honour or Prerogative. An. 2. James I.
 ---- This was spoken by way of Preamble by him
 you employed. ---- How to Report his Majesty's
 Speeches he knew [not] The Eloquence of a King
 was unimitable. 1604

The King addressed himself to him as deputed
 by the House, and said he would make three Parts
 of what he had to say. The Cause of the Meeting
 was to draw to an End the Difference in Sir *Francis*
Goodwin's Case. If they required his Absence, he
 was ready; because he feared he might be thought
 interested, and so breed an Inequality on their Part.
 He said, That he would not hold his Prerogative
 or Honour, or receive any Thing of any or all his
 Subjects: This was his Magnanimity. That he
 would confirm and ratify all just Privileges: This
 his Bounty and Amity. As a King, royally: As
 King *James*, sweetly and kindly out of his good
 Nature.

One Point was, Whether we were a Court of
 Record, and had Power to judge of Returns. As
 our Court had Power, so had the *Chancery*; and
 that the Court that first had passed their Judgment
 should not be controuled. Upon a Surmise, and
 upon the Sheriffs Return, there grew a Difference.
 --- That there be Two Powers. One Permanent:
 The other, Transitory. That the *Chancery* was
 a *Confidenciary Court to the Use of the Parliament*
during the Time. Whatsoever the Sheriff inserts
 beyond the Authority of his Mandate, a Nugation.
 The Parliaments of *England* not to be bound by a
 Sheriff's Return.

That our Privileges were not in Question. That
 it was private Jealousies without any Kernel or
 Substance. He granted it was a *Court of Record*,
 and a *Judge of Returns*. He moved, That neither
 Sir *John Fortescue*, nor Sir *Francis Goodwin* might
 have Place. Sir *John* losing Place, his Majesty
 did meet us half Way. That when there did arise
 a Schism in the Church between a Pope and an
 Anti-Pope, there could be no End of the Differ-
 ence until they were both put down.

F 2

Upon

An. 2 James I.
1664.

Upon this Report a Motion was made, That it might be done by way of Warrant; and therein to be inserted, That it was done at the Request of the King: And was further said, (as anciently it hath been said) That we lose more at a Parliament than we gain at a Battle. That the Authority of the Committee was only to fortify what was agreed on by the House for Answer, and that they had no Authority to consent.

It was further moved, by another, That we should proceed to take away our Dissension, and to preserve our Liberties; and said, That in this we had exceeded our Commission; and that we had drawn upon us a Note of Inconstancy and Levity.-----But the Acclamation of the House, was, That it was a Testimony of our Duty, and no Levity.

So as the Question was presently made:

Q. Whether Sir *John Fortescue* and Sir *Francis Goodwin* shall both be seclused, and a Warrant for a new Writ directed. And upon the Question, Resolved, That a Writ should issue for a new Choice, and a Warrant directed accordingly.

A Motion made, That Thanks should be presented by Mr. Speaker to his Majesty, for his Presence and Direction in this Matter; and thereupon ordered, That his Majesty's Pleasure should be known by Sir *Roger Aston* for their Attendance accordingly.

Because it had been conceived by some, that Sir *Francis Goodwin* being the Member specially interested, it were fit he should give Testimony of his Liking and Obedience in this Course; being dealt withal to that End he writ his Letter to Mr. Speaker; which, before this Question made, for better Satisfaction of the House, was read in these Words:

S I R,

I AM heartily sorry to have been the least Occasion either of Question between his Majesty and that Honourable House, or of Interruption to those worthy and weighty Causes, which by this Time, in all Likelihood, had been in very good Furtherance: Wherefore under-

understanding very credibly, that it pleased his Ma. ^{An. 2 James I.} ^{1604.} jesty, when the Committees last attended him, to take Course with them for a Third Writ and Election for the Knightsip of the County of Buckingham; I am so far from giving any Impediment thereunto, that contrariwise, I humbly desire his Majesty's Direction in that Behalf to be accomplished and performed. So praying you, according to such Opportunity as will be ministred, to give Furtherance thereunto, I take my Leave, and rest

West. this 11th of Yours, Most assured
April, 1604.

Directed,
To the Right Worshipful Sir Edward
Phelips, Knt. Speaker of the Ho-
nourable Court of Parliament.

to be Commanded,
Fra. Goodwin."

April 12th, a Motion was made, That Mr. Speaker, in Behalf of the House, should Pray Access to his Majesty, and Present their Humble Thanks for his gracious Presence and Direction, upon the Hearing of Sir Francis Goodwin's Cause; which was assented unto: And Sir Roger Aston, a Servant of his Majesty's Bed-Chamber, and one of the Members of the House was presently appointed to know his Majesty's Pleasure; which he did accordingly; and returned, That his Majesty was willing to give them Access in the Gallery at Whitehall, at Two in the Afternoon, the same Day. Thereupon a Committee was named to attend Mr. Speaker to the King, with a General Warrant to all Others that should be pleased to accompany them.

The Committee, specially named, were, All the Privy Council of the House, and Thirty-eight Members more,

Accordingly, the next Day, Mr. Speaker returned to the House the Effect of his Message of Thanks, Delivered in the Name of the House to the King; as also of his Majesty's Answer, viz.

That he related to his Highness the Humble and Dutiful Acceptation of what his Majesty had done, together with the humble Thanks of the House

An. 2 James I. for his Zealous and Paternal Delivery of his Grace unto Us, by his. own Mouth: What Wonder they conceived in his Judgment, what Joy in his Grace, what Comfort they had in his Justice, what Approbation they made of his Prudence, and what Obedience they yielded to his Power and Pleasure.

That his Direction gave all Men Satisfaction. That they were determined to pursue the Course he had prescribed, That now they were become Suitors, he would be pleased to receive a Representation of the humble Thanks and Service of the House.

His Majesty answered, That upon the Second Access, he was forced to reiterate what he had said before. That this Question was unhappily cast upon him, for he carried as great a Respect to Our Privileges as ever any Prince did; he was no Ground-Searcher; he was of the Mind that our Privileges was his Strength: That he thought the Ground of our Proceeding, was our not understanding that he had intermeddled before We had decided: That he thought also We had no Wilful Purpose to derogate any thing from him, for Our Answer was a grave, dutiful, and obedient Answer.

But as the Devil had unhappily cast this Question between them, so he saw God had turned it to two good Ends and Purposes. 1. One That he knew and had approved our Loyalty. 2. Another, That he had so good an Occasion to make Testimony of his Bounty and Grace.

That as we came to give him Thanks, so did he redouble his Thanks to Us. That he had rather be a King of such Subjects, than to be a King of many Kingdoms.

The Second Part of his Speech directed to the Lords and Us,-----That this Parliament was not like to be long. That we would treat of such Matters, as most concerned the Common-Wealth; and the last, of any thing that concerned himself.--Three main Businessess in our Hands: 1. The Union. 2. Sundry Publick and Commonwealth-Bills, 3. Matter of Religion, and Reformation of Ecclesiastical Discipline,

cipline.-----For the Union, that it might be now prepared, and prosecuted the next Session. That Union, which with the Loss of much Blood could never be brought to pass, as now it is. That the better to bring it to pass, We should be in Affections united.

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That we should first with all Care proceed in such Laws as might concern the general Good.

That all Heresies and Schisms might be rooted out, and Care taken to plant and settle God's true Religion and Discipline in the Church.-----That his Wish above all Things, was at his Death to leave, One Worship to God. One Kingdom entirely Governed. One Uniformity in Laws.

Lastly, That his Occasions were Infinite, and much beyond those of his Predecessors; and therefore that in this first Parliament We would not take from him that which We had yielded to Others.-----That in his Affections he was no way Inferior to others, nor in his Desire to ease Us.

Then the Warrant for a New Election of a Knight for Bucks, was read and allowed in this Form:

Whereas the Right Honourable Sir John Forestue, Knight, Chancellor of his Majesty's Dutchy of Lancaster; and Sir Francis Goodwin, Knight, have been severally Elected and Returned Knights of the Shire for the County of Bucks, to serve in this present Parliament: Upon deliberate Consultation, and for some Special Causes moving the Commons House of Parliament: It is this Day Ordered and Required by the said House, That a Writ be forthwith Awarded for a New Election of another Knight for the said Shire; And this shall be your Warrant (z).

Directed,

To my very Loving Friend, Sir George Coppin, Knight, Clerk of the Crown in His Majesty's Higher Court of Chancery.

To go on with the Proceedings of the Lords in this Parliament:-----According to the Credulity of those Times, a very severe Bill was framed and

F 4

brought

(z) Notwithstanding Sir Francis Goodwin was thus removed out of the House, he was soon after elected for the Town of Buckingham, on the Decese of Sir Edward Terrel, Knt.

Willis's Notitia Parliamentaria.

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brought into that House, *Against Conjurati-
Witchcraft, and Dealing with evil Spirits.* On the
second Reading, the Bill was referred to a large Com-
mittee, in which were included twelve Bishops. This
Bill passed into a Law; and by it it was enacted (a),
‘That if any Persons shall use, practise, or exercise
any Invocation or Conjurati-
on of any wicked or evil
Spirit; or shall consult, covenant with, entertain,
employ, or feed, any such Spirit, &c. the first Of-
fence to be Imprisonment for a Year, and standing in
the Pillory once a Quarter; the next to be Death.’
This Law continued in Force to our Days, when
it was wholly abrogated by a late Act of Parlia-
ment (b): The Great-Grandsons of these super-
stitious Men, not having so great Faith in the
Works of the Devil, as their Ancestors.

An Act against
Witchcraft.

Bill for repressing
Adultery.

Another well-meaning Bill did not meet with
the same Success; which was, *For the better re-
pressing the detestable Crime of Adultery.* This Bill
had been committed; but when the Report came
to be made, the Earl of *Hertford* said, That they
found the Bill did rather concern some particular
Persons than the public Good; and therefore they
returned it as they received it. On which the Bill
was dropped, and we are left at a Loss to know what
Punishment was to be assigned to this heinous and
too common Offence. But a Bill against Drunkards
and common Haunters of Ale-Houses and Taverns
passed into a Law; the Penalty was ten Shillings
on every Publican offending; and if he sold the
best Beer for more than one Penny a Quart, and
small Beer two Quarts for the same, he forfeited
twenty Shillings, &c (c). By the 21st of *Jac. I.*
Cap. VII. it was made perpetual.

Act relating to
Ale-Houses.

On the 14th of *April* came on an Affair of
much greater Moment; for, on that Day, the
Lord Chancellor made a Motion, That as in the
King’s Speech, both in the Beginning of the Par-
liament,

(a) An. 1. *Jac. I. Cap. XII.* Statutes at large.

(b) In the Reign of King *George II.*

(c) An. 1 *Jac. I. Cap. IX.*

liament, and since upon Refort of divers Lōrds and Commons to him at Court, his Majesty had recommended it to them to proceed in such Matters, in this his first Parliament, as are of greatest Importance to the State; and especially in that Particular of an *Union* between the Kingdoms of *England* and *Scotland*: His Lordship moved that some Propositions might be made to the Lower House, for a Conference about this Affair. This Proposal was agreed to by both Houses, and a very large Committee of Lords were appointed, who were to meet the Committee of the Commons, that Afternoon.

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A. Conference
proposed relating
to an Union be-
tween England
and Scotland.

What was done at this first Conference is not entered in the *Journals*. But, we are told that on the 16th, a Message was sent to the Lords, and delivered by Mr. Secretary *Herbert*, and others of the Commons, ' That the Committee of that House had reported to the rest the Proposition made to them by the Lords, as from his Majesty, about the Affair of an *Union*. That the whole House judging this Matter to be a Cause of very great Importance and Consequence; it ought to be proceeded in with great Caution and Deliberation. They therefore thought it necessary not to proceed in the Conference, till every Man of their House had considered of and delivered his Opinion about it. And, they had appointed a Day to enter upon that Debate, till which Time they desired their Lordships to hold them excused for farther Conference.' 1

On the 21st of *April* the Lords fell again upon this Business of *Union*; when the Lord *Cecil* produced a Paper containing a Draught, or Form, devised by the King himself, for the Accomplishment of this great Work. The Paper was read to the House, but not offered as a Bill, only as a short Draught or Memorial, on which a Bill might be afterwards agreed on. We are not told what the Substance of this Proposal from the King was; nor do we meet with any more about this Matter in the Lords *Journals*, till the last Day of this Month.

At

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‘ Laws, Privileges, and good Customs of this
 ‘ Kingdom, whereby only the King’s princely Au-
 ‘ thority is conserved, and the People’s (both in
 ‘ general and particular) Security of their Lands,
 ‘ Living, and Privileges, is maintained unto them;
 ‘ yet, that it is fit and convenient, for the nourish-
 ‘ ing and increasing of the mutual Use among
 ‘ [the] Members, and Two Halfs, as it were, of
 ‘ the Body, that all Sorts, particular, temporal,
 ‘ or indifferent, Manners, or Statutes and [Cus-
 ‘ toms] may be agreed upon, and welled in one,
 ‘ as they are all one Body, under [one] Head:
 ‘ And therefore, that Commissioners may be ap-
 ‘ pointed by the Parliament, authorized to confer
 ‘ and consult with such *Scottish* Commissioners, as
 ‘ shall be selected to meet with them, for the mak-
 ‘ ing of the Frame to this Effect, to be propound-
 ‘ ed to the next two Parliaments of *England* and
 ‘ *Scotland*; that thereby, and by the happy Con-
 ‘ clusion in the two next Parliaments, not only all
 ‘ Questions, and unhappy Rubs, which may here-
 ‘ after, at any Time, be unluckily cast in, may
 ‘ then be decided, and put to a quiet End; but all
 ‘ other Means may also then be used, for increasing
 ‘ the mutual Love, quenching all Sparks of old
 ‘ Debates, and conforming them among themselves
 ‘ to that Uniformity of Manners and Customs,
 ‘ which God, by his Providence, in apparent Sight
 ‘ of all the World, hath begun, and by the finish-
 ‘ ing whereof, the true Meaning of that Acknow-
 ‘ ledgment in my Recognition may be performed
 ‘ and accomplished.

‘ As for the Bill, which to this Effect I did
 ‘ frame, it would never have proceeded of me, to
 ‘ have so far overweened myself of the Laws and
 ‘ Customs here, as to have straightly thereby pre-
 ‘ scribed to the Parliament, what Words they
 ‘ should precisely use in that Purpose; but being
 ‘ humbly requested by *Francis Bacon* (then Mouth
 ‘ of that Part of the House, which came to me)
 ‘ that, for the Supply of his Memory, I would
 ‘ shortly set down the Substance of that Part of
 ‘ my

my Speech, then publickly uttered to the Lower House, I was contented to indict it to him as it hath been often read in your open Audience: But I am so far from being wedded to any Opinions of mine, in the Form thereof, as whatsoever Words may be found, by the Parliament, by their Committees, or the Judges of the Land (whose Opinions I will ever reverence and honour in their own Elements) which are contained within my last Project, which may be found to be contrary or derogatory to the Provisoes or Explanations of my Meaning therein set down, I am heartily well contented, that, by the Advice of the same Judges, they may be cleared, guarded by Cautions, changed, innovated, or utterly scraped out, as may best agree with the Substance of my Meaning, and eschew any inherent Contradiction, which may be least lurking within the said Bill, or Act of Parliament to be made: And especially, because I hear greatest Doubts and Questions of Law made, that the assuming the Word and Title of *Bretany*, by Act of Parliament, before the Accomplishment of these Particulars, may imply any secret or [tacit] Derogation to the rest of the particular Conditions included in [the] same Bill; although my inserting of the particular Name now, was only for the better Furtherance of the Grounds, which are before rehearsed; yet am I so far from allowing or permitting any tacit Contradiction, or Obscurity, in that Matter, which I by [all] Means press to have so clear and evident, as I will not only, [if] the Truth be upon that Side, be content of the Omission of [the] Name, for this Time, but think, and ever esteem, that I have great Cause to thank and account well of the learned Judges, and other wise Men whosoever, that by these Means will preserve me from being the Cause for making an implicit Contradiction to mine own Meaning to be contained within M^e own Law; which could not be willingly done by me, without Spot to my Honour,

pretending

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pretending one thing, and proposing another;
' and to the great Harm of the Subjects of both
' the Realms: But this to be so understood; that
' if, on the other Side, [there] be but Doubts, cast
' in by the curious Carping of some, wresting and
' misinterpreting the Law against the true Meaning
' [thereof]; that then, and in that Case, as I am
' bound in Honour * * to my formerly set-down
' Words, so all my good and loyal Subjects, of
' both the Houses, will concur in assisting me;
' [not] to be over-ruled by Wilfulness, where I
' cannot be convinced by Reason.'

A Letter from his Majesty to the House, in the
Matter of the Union, written with his own
Hand, delivered by Sir Roger Aston, to Mr.
Speaker, read publicly at the Board by Sir Tho:
Lake, standing by the Clerk, as one best ac-
quainted with the King's Hand and Phrase.

The Letter followeth in these Words (d):

*Y^E see, with what Cleernes and Sinceretie I have
behaved myself in this Earraide, even through
all the Progresse thair of, thoch, I will not saye, too
littel regaindit by you, but I may justlie saye, not so
uillinglie embraced by you, as the Worthines of the Mat-
ter doth well deserve. I proteste to God, the Fruities
thair of will chieflie tende to youre owne Uell, Prospe-
ritie, and Increase of Strenth and Greatnes: No-
thing can staye you from harkening unto it; but fa-
lousie and Distruste, ather of me the Propounder, or
of the Maitter by me propoundit. If of me, then
doe ye both me and youre selfis an infinite Uronge, my
Conscience bearing me Recorde, that I ever deserved
the contrarie at youre Handis; but if youre Distruste
be of the Maitter itself, then distruste ye nothing but
your owne Uisdomes or Honesties. For as I have ge-
win over wrangling upon Uordis with you, so crave I
no Conclusion to be taken at this Tyme heirtin; but on-
ly*

(d) The original Letter is here inserted, from the King's Hand, but
without his Sign Manual; and is thus endorsed: " Rex: His Ma-
jesty's Letter to the Commons House of Parliament, touching the
" Matter of Union; 1^o May, 1604."

Notes in the printed Journals.

by a Commission, that it maye be disputid, considerid, As. 2. James 1.
 upon, and reportid unto you; and then will ye be
 your owin Cookes, to dresse it as ye liste: So that (as
 I have allreaddie said) since the Conclusion thairof can
 never be without youre owin Assentis; if ye be true
 to youre selfis, no Man can deceave you in it. Let
 not youre selfis thairfore be transported with the Curio-
 sitie of a few giddie Headis; for it is in you now to
 make the Choise, either, by yielding to the Providence
 of God, and embracing that, quibche he hath castin in
 youre Mouthis, to procure the Prosperitie and Increase
 of Greatnes to me and myne, you and yours; and,
 by the awaye-taking of that Partition-uall, quibche all-
 readdie, by Goddis Providence, in my Bloode is rent
 asunder, to establishe my Throne, and youre Boddie
 politike, in a perpetuall and flourishing Peace; or ellis,
 centemning Goddis Benefites, so freely ofred unto us,
 to spite and blaspheme in his Face, by praeferring
 Warre to Peace, Trouble to Quietnes, Hatred to Love,
 Weaknes to Greatnes, and Division to Union; to sowe
 the Seidis of Disorde to all our Posterities; to disho-
 noure youre King; to make both me and you a Pro-
 verbe of Reproche in the Mouthis of all Straingeris,
 and all Enemies to this Nation, and Envyars of my
 Greatnes; and oure next Laboure to be, to take up
 new Guarisons for the Bordouris, and to make new
 Fortifications thaire. Sed meliora spero. I hoape,
 that God, in this Choise, and free Uill of youris, will
 not suffer you, with olde Adame, to choose the worst,
 and so to procure the defacing of this earthlie Paradise;
 but, by the contrarie, that he shall inspyre you so, as,
 with the seconde Adame, ye shall produce Peace; and
 so beautifie this oure earthlie Kingdome heerewith, as it
 may represente, and be an Arles-pennie unto us, of
 that eternal Peace in that spirituall Kingdome, quibche
 is prepared for the perpetuall Residence of all his chosen
 Children.

Notwithstanding these Remonstrances from the
 King, this Affair went on but heavily in both Hou-
 ses; nor, was there any seeming Likelihood of an
 Union between the two Kingdoms to be confirmed
 this Session. They had been almost, at a continued
 War

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War together, ever since the Time that the *Romans* invaded and took Possession of the Southern Part of this Island. It was carried on by Intervals, after the *Saxons* came, and our Histories are too full since the *Norman* Conquest, of many direful destructive Battles fought between these evil Neighbours. Now was the Time to put a final End to these intestine Wars; and, by being one Nation, with an undivided Interest, to be a Match for all the World beside. But though this Parliament, at the King's Desire, went upon the Affair and brought it to some Forwardness, yet it is easy to see that the Matter was treated very coolly throughout this Session; and, in the End, it was left to Commissioners, to manage it by themselves.

English Commissioners appointed to treat with the Scotch relating to the Union of the two Kingdoms.

The Act for appointing these Commissioners is false printed in the public Statutes; and we are obliged to Mr. *Wilson*, the Author of this King's Life, for the *English* Commissioners Names, and some Account of their Power in concluding the Business. The Commissioners for *England* were the Lord Chancellor *Ellesmere*, the Earls of *Dorset*, *Nottingham*, *Southampton*, *Pembroke* and *Northampton*; the Bishop of *London*, *Durham* and *St. David's*; the Lords *Cecil*, *Zouch*, *Monteagle*, *Eure* and *Sheffield*, of the Higher House. For the Commons were *Thomas* Lord *Clinton*, *Robert* Lord *Buckhurst*, Sir *Francis* *Hastings*, Sir *John* *Stanhope*, Sir *John* *Herbert*, Sir *George* *Carew*, Sir *Thomas* *Strickland*, Sir *Edward* *Stafford*, Sir *Henry* *Nevile* of *Berkshire*, Sir *Richard* *Buckley*, Sir *Henry* *Bilingsley*, Sir *Daniel* *Dun*, Sir *Edward* *Hobby*, Sir *John* *Savile*, Sir *Robert* *Wroth*, Sir *Thomas* *Chaloner*, Sir *Robert* *Maunsel*, Sir *Thomas* *Ridgeway*, Sir *Thomas* *Holcroft*, Sir *Thomas* *Hesketh*, Sir *Francis* *Bacon*, Sir *Lawrence* *Tanfield*, Sir *Henry* *Hobart*, Sir *Henry* *Withington*, Sir *Ralph* *Gray*, Sir *Thomas* *Lake*, Knights; *John* *Bennet*, LL. D. *Robert* *Askwith*, *Thomas* *James* and *Henry* *Chapman*, Citizens and Merchants. These, or any eight of the said Lords, and twenty of the said Commons, shall

shall have Power to assemble; meet, treat and consult, with certain select Commissioners, to be named and authorised by the Parliament of *Scotland*, concerning such Matters, Causes, and Things, as they, in their Wisdoms, shall deem convenient and necessary for the Honour of the King, and common Good of both Kingdoms.

Notwithstanding this grand *Apparatus* was made to please the King at this Time, yet it all came to Nothing. The Commissioners on both Sides no sooner met, than they found the Matter impracticable. The *Scotch*, tho' we had taken their King, yet absolutely refused to be governed by any of our Laws; and, tho' there were some more Attempts made for this Union, in this and succeeding Reigns, yet they all proved abortive; till this grand Affair was, at last, compleated in our own Times: But whether to the general Satisfaction of both Nations, is a Question of another Stamp.

There was an Attempt made also, this Session, for another Union, of a different Nature, at Home; and that was to bring about a Reconciliation, in Ecclesiastical Affairs, between those of the *Established Church* and the *Protestant Dissenters*. It may be observed that many Attempts were made, throughout the whole Course of the last Reign, for a farther Reformation in Church Matters; and, had not the Queen stood firmly by her Bishops, their Hierarchy would then have been, in all Probability, overthrown. In this Reign, the King endeavoured to put Things on a better Footing between them; the Lords *Journals* take Notice that *April* 18th, Mr. Secretary *Herbert* brought a Message to the Lords, from the Lower House, to this Effect:

‘ That whereas their Speaker had signified to the whole House his Majesty’s Pleasure that a Conference should be had, with certain of the Lords the Bishops, concerning a Reformation of certain Matters and Rights of the Church, of which some Complaints had been made; and for a better Correspondence to be held betwixt the

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Clergy

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Clergy and Laity for the future : The Commons were willing to have such a Conference with some select Number of the Bishops ; but so, to confer with them as Lords of the Higher House of Parliament, and not in such Condition and Quality as they are of the Convocation House.' To which Message the Lords said they would return an Answer the next Day, or, as soon as they conveniently might.

A Conference appointed for Reformation of Ecclesiastical Matters.

The next Day an Answer was returned by the Lords, that they approved of a Conference, and had nominated Thirty, or thereabouts, of their House, a Committee for that Purpose. This Committee consisted of all the great Ministers of State, seven Earls, eleven Barons, and fourteen Bishops. The Commons appointed Sixty of their House to attend the Lords ; but the King rightly judging that this great Number from both Houses, would rather perplex than conciliate the Conference, sent a Message to desire them to constitute Sub-Committees to treat about these Church Affairs. On which the Lords named only Nine of the former Number, and the Commons Twenty ; which were to meet, on the 21st of May, in the Council-Chamber of the Court, to settle this Business.

The *Lords Journals* leave us short as to what was done, or agreed on, at this Conference between the two Houses ; but those of the *Commons* give us certain Articles or Instructions, on which their Committee was to treat with that of the other House. The Articles were as follow :

The Articles so be debated on.

1. *Imprimis.* **T**HAT the Articles only concerning the Doctrine of Faith, and of the Sacraments, whereunto the Ministers ought to subscribe, by the Statute of the 13th Year of the Reign of the late Queen *Elizabeth*, may be explained, perfected, and established by Parliament ; and that no contrary Doctrine may be taught within this Realm ; and that all Mat-
ters

ters of Household may be compelled to subscribe An. 2 James I.
unto the same Articles, as well as the Ministers. 1604.

2. *Item*, That from henceforth none other be admitted to be Ministers of the Word and Sacraments, than such as are, at the Time of their Admittance, Bachlers of Art, or of an higher Degree in Schools; having Testimony from the University, or College, whereof he was, of his Ability to preach, and of his good Life; or else such, as are approved, and allowed to be sufficient to preach, and instruct the People, and to be of good Life, by some Testimonial of Six Preachers of the County, where the Party dwelleth.

3. *Item*, That from henceforth no Dispensation or Toleration shall be allowed to any, to have or retain Two, or more Benefices, with Cure of Souls, or to be non-resident; and that such as now have double Benefices, or be non-resident, shall give sufficient Allowance yearly to maintain a Preacher in their Absence; and that, for this Purpose, the Incumbent shall be allotted to make his Residency in one of his Parsonages, to the Intent, that in the other Church a certain and constant Minister may be maintained and kept.

4. Also it is thought meet, where the Living of the Vicar, or Curate, is under Twenty Pounds by the Year, that, for the better Maintenance of the Vicar, or Curate (being a Preacher) there may be some Increase made of his Living, as shall be thought convenient.

5. Also it is humbly desired, that the Lords would confer with us, touching a Petition to be preferred to the King's Majesty, that, by his gracious Favour, such Order be taken, that no Minister be forced to subscribe, otherwise than to the Articles concerning only the Doctrine of Faith and Sacraments, whereunto by the said Statute, made in the 13th Year of the Reign of the late Queen *Elizabeth*, they are appointed to subscribe.

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6. 'Also to confer with the Lords, that such faithful Ministers, as dutifully carry themselves in their Functions and Callings, teaching the People diligently, may not be deprived, suspended, silenced, or imprisoned, for not using of the Cross in Baptism, or the Surplice, which turneth to the Punishment of the People.
' Touching Ecclesiastical Courts, there is a Bill drawn by the Committees, ready to be preferred to the House.'

In the Commons *Journals*, we find, That *June* 13th, Sir *Francis Hastings* made a Report to the House, of what their Sub-Committee had done, who were appointed to search Precedents, touching intermeddling with Ecclesiastical Matters. Several Precedents and Laws were produced: As, also, the Form of a Petition for a Dispensation, with some Ministers, in Matters Indifferent, &c. which Petition follows in these Words:

To the King's most excellent Majesty.

Most dread Sovereign:

A Petition for
Dispensing with
Ministers in Mat-
ters indifferent.

'FORASMUCH as your Majesty, out of your princely Favour, hath vouchsafed to signify your gracious Pleasure, that we should enter into Consultation of Things that concern the Establishment of true Religion in this Land, thereby, as by many other ways, making evident Demonstration of your Majesty's most religious Affection and princely Wisdom in the Direction of these Causes; we have thought it expedient, rather, by this our humble Petition, to recommend to your Majesty's godly Consideration certain Matters of Grievance, resting in your royal Power and princely Zeal either to abrogate or moderate, than to take the public discussing of the same unto ourselves; to the End (if it so seem good to your Highness) we may, from the sacred Fountain of your Majesty's most royal and religious Heart, wholly and only derive such convenient

‘ venient Remedy and Relief therein, as to your An. ^{a James I,}
 ‘ princely Wisdom shall seem most meet. 1604.

‘ The Matters of Grievance (that we be not
 ‘ troublesome to your Majesty) are these: The
 ‘ pressing the Use of certain Rites and Ceremonies
 ‘ in this Church; as the Cross in Baptism, the
 ‘ wearing of the Surplice in ordinary Parish Church-
 ‘ es, and the Subscription required of the Mini-
 ‘ sters, further than is commanded by the Laws of
 ‘ the Realm; Things, which, by long Experience,
 ‘ have been found to be the Occasions of such Dis-
 ‘ ference, Trouble, and Contention in this Church,
 ‘ as thereby divers profitable and painful Ministers,
 ‘ not in Contempt of Authority, or Desire of
 ‘ Novelty, as they sincerely profess, and we are
 ‘ verily persuaded, but, upon Conscience towards
 ‘ God, refusing the same, some of good Desert
 ‘ have been deprived, others of good Expectation
 ‘ with-held from entering into the Ministry, and
 ‘ Way given to the ignorant, and unable Men, to
 ‘ the great Prejudice of the free Course and fruitful
 ‘ Success of the Gospel, to the dangerous Advan-
 ‘ tage of the common Adversaries of true Religi-
 ‘ on, and to the great Grief and Discomfort of
 ‘ many of your Majesty’s most faithful and loyal
 ‘ Subjects. In tender Compassion whereof, may
 ‘ it please your excellent Majesty, of your Zeal
 ‘ towards the Gospel, to vouchsafe some gracious,
 ‘ princely, and favourable Consideration of the
 ‘ Burden of these Grievances, under which this
 ‘ Church hath of long Time groaned; in doing
 ‘ whereof, we are verily persuaded, your Majesty
 ‘ shall much more easily accomplish your religious
 ‘ Intendments; the one of settling the Peace of
 ‘ this Church, the other of planting a learned and
 ‘ faithful Ministry through this Realm; also your
 ‘ Majesty shall greatly comfort the Hearts of many
 ‘ grave and learned Ministers, give much Content-
 ‘ ment to your Highness’s most loving Subjects,
 ‘ purchase to your royal Person great Increase of
 ‘ Honour, and gain to Almighty God his most
 ‘ due and deserved Glory; who ever keep your

An. 2 James I. ' sacred Majesty under the Wings of his most mighty and blessed Protection.'

1604.

Mercurii, 13^o Junii, 1604.

This Petition was much opposed by several Members, and defended by others; but, in the End, it was dropped, as we suppose, for we hear no more of it. What the Result of all these Conferences produced, is uncertain; but it is probable they laid the Ground-work of four Acts which passed this Session; the Titles of which are given in the Catalogue of the Acts in the Lords *Journals*, but are none of them, except the first, mentioned in the printed Statutes. The Titles will conclude all we shall say of this Matter.

Acts relating to
the Clergy.

1. An Act for avoiding Multiplicity of Leases, made by Archbishops and Bishops, of such Lands and Possessions as belong to their several Sees (e). By this Act the Crown itself was disabled from receiving any Conveyances of Archbishops and Bishops Estates. Thus, says an Author, those of the Clergy, who wanted either Honesty or Courage, were disabled from impoverishing the Church. And thus, the King stopped the Issue of Sacrilege, and delivered himself from the Importunity of the Courtiers (f).

2. An Act against scandalous and unworthy Ministers.

3. An Act for disburthening of Clergymen of all such Affairs, as may hinder them in their divine Callings and Cures.

4. An Act for the better Discovery and Suppressing of Simony, and other corrupt Procuring of Ecclesiastical Dignities, Titles, Jurisdictions, Offices, Places, and Promotions.

May 29th, Sir Edwin Sandys and others were sent from the Lower House to the Lords, and delivered a Message from the Commons to this Effect: ' That whereas a Motion had been made by that

(e) *Statutes at large, 1 Jac. I. Cap. III.* but the Title is somewhat different.

(f) *Collier's Eccl. Hist. Vol. II. p. 686.*

that House, in the Beginning of this Parliament, for a Conference with their Lordships about the Business of *Wards*; which received some Impediment in the Proceeding, at that Time, by reason of other Business: They were now desirous to make Petition to the King, in which they desired their Lordships Concurrence, that he will be pleased to give them Audience concerning that Matter; and to make some Proposal to his Majesty of an Offer in Lieu of the said Wardships. And, whereas, at the same Time, their Lordships moved to have Conference concerning *Respite of Homage*, which they thought proceeded from the Lords out of Favour, and good Respect towards them; they desired also, to address the King to give them a Hearing, not only of this Matter, but of the other Branches growing from the same Root; such as *Tenures in Capite*, *Licence of Alienation*, *Premier Seizins*, and such like; concerning all which Particulars they did hope to make it appear to his Majesty, by the Course they meant to propound to him, that he should not receive Loss or Prejudice, but rather Convenience and Advantage. To which Message the Lords took Time to return an Answer to the 21st. On which Day,

An. 2 James I.
1604.
Conference about
Wards, Respite
of Homage, Te-
nures in Capite,
&c.

On a Motion of the Lord Chancellor, an Answer was returned to the Commons, 'That their Lordships had made Choice of Thirty of their House, for a Conference; and that they desire the Commons to appoint a competent Number of their Body to meet them. Also, that their Committee should come sufficiently prepared and authorized to deliver and make known to them the Grounds and Reasons, which they design to propose to his Majesty concerning these Particulars.'

What was done or said at this Conference, is not handed down to us; but, a remarkable Entry is made in the *Journal* of the Lords for that Day, in these Words:

26^o *Maii prædict.*

'Report made by the Lord Chancellor of that which passed in the Conference with the Lower House,

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1604.

House, concerning the Matter of Wards and Respite of Homage; and a Repetition thereof, also, by the Lord Cecil. The Conclusion whereof was, That the Lords did, by Way of Advice, move and wish them to forbear any further Dealing therein, or to offer any further Petition for it to the King; both, for divers Considerations, in the Matter itself; and in respect of this Time of his Majesty's first Parliament, which they thought to be inconvenient and unreasonable for it.

Thus this Business dropped for this Time. And we have been more particular in the Recital of the Proceedings in it from the *Journals*; because it is the first Stroke that we find made by the Commons at these ancient Prerogatives of the Crown.

On the 14th of June, was sent up by the Commons a Bill for a *Subsidy of Tonnage and Poundage*. It was read a second Time in the House of Lords, on the 18th, when the Lord Treasurer stood up and acquainted the Lords, 'That having perused and considered of the said Bill, he found some Omission, or Imperfection in the same, proper to be reformed for his Majesty's Benefit and Service. He therefore moved that a Conference might be had with the other House about it.' This was unanimously agreed to; and, a Message sent to the Commons, wherein the Lords expressed themselves, 'That they would not have the Lower House think it proceeded from any Coldness in Affection or Duty, on their Parts, to desire a Conference with them on the Amendment of the said Bill.' Answer was returned that the Commons agreed to a Conference; on which two Committees were appointed for that Purpose. And, on another Motion, the Lords agreed that in the Conference, the Committee for the Commons might be desired to propound to that House their Lordships earnest Request and Expectation, that some Means might be by them considered of, for
a Re-

Act for Tonnage
and Poundage.

A Relief or *Subsidy* to be farther granted to his Majesty, to supply his present Necessities. An. 2 James I. 1604.

Another remarkable Letter from the King, wrote with his own Hand, but corrected as to the Spelling, was sent to the Commons, June 26th; the Intent of which was to signify his Pleasure, in relation to a farther Grant of a *Subsidy*. The Letter followeth (g) :

HAVING been informed, that within the Space of these Eight or Ten Days past, there hath been, divers Times, Speeches made in the Lower House of our Commons, for a *Subsidy* to be at this Time granted unto us; we have thought it convenient, that ye should, in our Name, acquaint the House with the sincere Truth of our Meaning in that Matter; to the end that they, being at a Point in that Question, may, with the greater Expedition, conclude such special Things, as are necessary to be done before the ending of this longsome Session of Parliament. The King's Letter declining any farther Subsidy at this Time.

It is true, that ever before, and a certain Space after the sitting down of this Parliament, we were constantly resolved, neither to think, nor, in case it had been offered unto us, any ways to have accepted a *Subsidy* at this Time; for as in our first Speech to this whole Parliament we declared, how unwilling we should ever be to be a Burden to our People; so thought we it an unfit Time, at our first Parliament, after our so happy and peaceable Entry into this Kingdom, with so great and general an Applause, for having a *Subsidy* raised upon them, notwithstanding of our present great Necessity; and that thorough the Occasion of divers great Expences, whereunto we were driven at our first Entry here: But after the assembling of this Parliament, we were so often dealt with and informed by divers Members of that House, that were otherwise Strangers to our Affairs, that it was a thing both honourable and reasonable, that a *Subsidy* should be granted unto us; that both our Necessity

(g) In the Margin is written, *Quere the Original*. A printed Copy thereof is here inserted in the Journals.

Notes in the printed Journals.

An. 2 James I.
1604.

cessity required it, and the People in their Love were ready to offer it unto us; that it was ever the Form of all Kings of England, to have a Subsidy given them at the very first assembling of their first Parliament; that as it was honourable for us to receive it (being an Earnest-penny of the People's Love toward us) so would it be a thing nothing prejudicial nor hurtful for them to yield unto; and that there was enough in that House, that were striving amongst themselves, who should be the first Propounder thereof; as at the last we were moved to be contented, that some should prove the House's Mind in it; only in this Point were we careful, that, in case it were propounded, and put to a Question, it should receive no publick Refusal; which could not but be dishonourable unto us, especially in the Sight of all the Strangers that are now here. But having now, with Time, more narrowly examined both the Custom in the like Cases, at the first Parliaments of our Predecessors here, as likewise, that the last Term's Payment of the old great Subsidy is not yet come, so as a double Burden shall appear to be laid upon the People, and yet our Commodity never a Hair the nearer; we have hereupon concluded with ourself, to resort to our former Determination: And therefore is it our express Will, that ye shall, in our Name, signify to our said House of Commons, that we desire them, at this Time, not to meddle any further with that Question; assuring them, in the Word of a King, that we will be so far from taking it unkindly, their not offering it unto us at this first Session of this our first Parliament, as by the contrary we will only interpret it to proceed from the Care they have, that our People should not have any Occasion of Distaste of us offered unto them at this Time, for the Reasons above-mentioned; assuring ourself, that the said House will, in their own Time, be careful to see our State supplied, by such Means, as may be most convenient for our Weal, and least hurtful to our Subjects; wherein we remit ourself to their discreet Considerations, in the due Time.

J A M E S R.

After

After the Reading of this Letter, a Motion was made, 'That the King's Letter should be recorded in their House, for an everlasting Memory of his Majesty's Grace.—That all the Knights of Shires may take a Copy of it, and publish it in their Countries.—And, that Mr. Speaker, at the End of this Session, should present Thanks to his Majesty, in the Name of the whole House, for his Grace expressed in that Letter.'

An. 2 James I.
1624.

This Letter was, probably, the Occasion of sending up another Bill from the Commons, intitled, *An Act for the assigning certain Sums of Money, for the Defraying of the Charges of the King's most honourable Household.* This Bill soon passed into a Law; as did also the former, for a Grant of *Tonnage and Poundage*, without any Amendments; because the Lord Treasurer, the first of the Lords Committee, informed the House that the Judges, being asked their Opinions about his Points of Exception to the said Bill, they had resolved, that, notwithstanding those Exceptions, the Bill might pass, as it then stood, without Inconvenience or Prejudice to his Majesty. The Tonnage granted this Session was 3*s.* on every Tun of Wine imported; but on a Tun of sweet Wines 6*s.* and 1*s.* on every Awn of Rhenish. The Poundage was 1*s.* on every Twenty-Shillings-worth of Goods or Merchandise, imported and exported, excepting Woollen Manufactures; and Tin and Pewter were to pay 2*s.* A Denison was to pay for every Sack of Wool 33*s.* and 4*d.* and for every 240 Woolfells the same; and for every Last of Hides and Backs 3*l.* 6*s.* and 8*d.* (i).

Act for defraying
the Charges of
the Household.

These were all the Supplies that were granted to the King this Session of Parliament, and all that were asked by the Ministry at this Time. Whether the King found the Treasury full at his Coming to the Crown, or, that he had no Mind to lay a Burthen on his Subjects so near his Accession, is uncertain. But, as this Complaisance was unusual, the Necessity of the State soon called for a larger

(i) *Statutes at large*, Cap. 33.

An. 22 James I. 1604. a larger Supply, and even in the ensuing Session of this very Parliament. It is true, there was another Bill brought in, and passed the Lords, at this Time, intituled, *An Act proceeding from the King's Majesty's princely Wisdom and Care of his Royal Progeny, for the perpetual and indissoluble Annexing of certain of his Majesty's Possessions, inseparable to him or his Royal Posterity, Kings and Queens of England.* But being sent down to the Lower House, they returned a Message by Mr. Secretary Herbert, &c. importing, that they had given the aforesaid Bill two Readings in one Day and committed it; but found so many Doubts in some Particulars, that may be prejudicial to divers Subjects of this Realm, that they desired a Conference with the Lords about it. This was granted, and the Committees on both Sides met; where, it may be supposed, the Commons gave such Reasons against the Bill, that it was dropped, for there is no farther Notice taken of it.

Some other Occurrences happened this Session, which, though of less Moment, yet deserve a Memorial; since neither of them are mentioned in the particular Writer of this Reign, nor in any other general Historian.

The Commons complain of a Book wrote in Favour of the Union.

The first was a Complaint made, by a Message delivered by Sir *Edward Hobby* and others from the Lower House, concerning a certain Book, which of late, as they said, fell into their Hands, intituled, * * * * * By the publishing of which Book, tending to make Division and Strife, they conceive Wrong and Dishonour done both to the Lower House, and the Lords themselves. That the Secrets of that House should be discovered touching such Matters as had been by them debated, heard and allowed by the Lords, approved by the Judges of the Realm, and assented to by his Majesty: Which Fault, they said, if any one of their House had committed, they protested they would have inflicted exemplary Punishment upon him. But, because they supposed that it was the Works of some in the Upper House, they desired Conference

Conference with the Lords, to consider what Course may be taken in it. The Lords returned for Answer, that when they had perused the Book, which, as yet, most of them had not done, and had considered how it may touch the Honour of either House, they will shew themselves as tender and sensible of it as the Commons; and will let them soon know their Opinion concerning it.

The Title of this Book is left blank in the Lords Journals, but whether by Design or Negligence is uncertain; nor are we the better helped, in this, by those of the Commons. However, the Sequel will inform us, both who the Author of it was, and the Nature of the Subject which gave the Offence. Two Stationers called *Field* and *Chard*, concerned in the printing and publishing the Book, were sent for, and brought before the House of Lords by the Serjeant at Arms. These Men confessed the Publication, &c. and that the Bishop of *Bristol* was the Author of it (k). This put the House to a Stand, what Punishment to inflict upon the Stationers; when so great a Man, and one of their own Body, was the principal Aggressor. They were ordered to attend the House, however, *de Die in Diem*, for some Time; in the mean while the Commons, in a Conference, pushed the Thing warmly against the Bishop; and the Lords, after some Deliberation amongst themselves, what Satisfaction to give to the other House about this Matter, did all agree in Opinion that it might best be done, if the said Bishop would voluntarily acknowledge himself to have committed an Error, and that he was sorry for the same. We are told that the Bishop, at last, consented to make this Acknowledgment, which he read in the House in Form, as follows:

The Bishop of Bristol, the Author, asks Pardon for it.

1. *I confess I have erred in presuming to deliver a private Sentence, in a Matter so dealt in by the High Court of Parliament.*

2. *I am*

(k) This Bishop of *Bristol* was *John Thornborough*, translated to this See from *Limerick* in *Ireland*, Anno 1603. Afterwards in the Year 1616, he was translated to *Worcester*.

Let Nove's Fasti Eccl. Angl.

An. 2 James I.
1604.

2. *I am sorry for it.*

3. *If it was to do again, I would not do it.*

4. *I protest it was done out of Ignorance, and not out of Malice, towards either of the Houses of Parliament, or any particular Member of the same; but only to declare my Affection to the intended Union, which I doubt not but all your Lordships do allow of.*

By this last Section it appears what the Subject of the Book was, which gave the Offence; and that there were some Spirits in the Lower House so much set against the Union, that they could not bear that such a Remonstrance, in its Favour, should be published about it. Some Days after, the Commons sent a Message to the Lords, wherein they acknowledged their Lordships honourable Proceeding in this Matter; but, at the same Time, for their better Satisfaction, they desired that a Copy of the Bishop's Declaration of his Error, &c. might be given them; that it might be recorded, also, in the Journals of that House: And that the Book might be suppressed. The Lords took Time to consider of this Message; and afterwards in another Conference, about this and other Matters, the Commons had the Satisfaction they desired, and so the Affair was ended.

Which is recorded in the Commons Journals.

Lord Montague opposes the Bill against Jesuits, &c.

Another remarkable Occurrence happened, of still greater Moment. There had been a Bill brought into the House of Lords this Session, intitled, *An Act for the due Execution of the Statutes against Jesuits, Seminary Priests, Recusants, &c.* On the third Reading of which Bill, the Lord Viscount Montague stood up, and made a bold Speech against it. In which he declared, ' That he did not only dissent from the Bill, but, by way of Apology for all Sorts of Recusants, undertook the Defence of their Religion; and inveighed against the whole State of that Religion now established in this Realm. He endeavoured to prove the great Antiquity of theirs and the Novelty of this; saying, that we had been misled to forsake the Religion of our Fathers, and to follow some light Persons of late Times

‘ sprung up, that were of unsound Doctrine, &c. Ap. 2 James I.
 ‘ evil Life, or to that Effect: He thereupon made 1604.
 ‘ most earnest Request and Entreaty to the Lords,
 ‘ that they would have a favourable Consideration
 ‘ of the said Recusants, whom the Bill did con-
 ‘ cern, and not give it Passage against them (m).’

The *Journals* proceed to tell us that, when some of the Bishops had answered to the several Points of this Speech, relating to the established Religion, the Lord Chancellor interposed by making a Motion, declaring to the Lords, ‘ That he doubted whether it might stand with the good Order of that House and with his Duty, that such a Speech should be suffered in the House, as the Lord *Montague* had made. In presuming, under Pre- tence of speaking to a Bill, to inveigh and speak generally against the whole State of Religion then established: By speaking directly to, and maintaining the Tenets of, the *Papish* Religion, so much derogating as it doth from the King’s Majesty’s supreme Authority and Government. He therefore desired the House to consider, whether the Suffering of such a Speech would stand with the Duty of Allegiance they owed to his Majesty.’

On this a Debate arose; but all the Lords that spoke, agreed in Opinion that it was a very offensive Speech, and not to be suffered to pass without some Censure, Animadversion, or Punishment; except the Lord *Burleigh*, who said, ‘ He thought the best and fittest Punishment would be to let him pass unregarded and unpunished. Because, he supposed that the Lord *Montague* did affect a Glory in it; and would be glad to get the more Reputation amongst the *Papists*, both at Home and Abroad, if he should be censured or punished in any Sort for their Cause.’ In Conclusion, it was thought meet that some Order should be taken for the Censuring the said Lord for his presumption.

(m) This Lord Viscount *Montague* was Grandson to the Lord of that Name, who spoke so boldly for the *Romish* Religion in the Beginning of the last Reign, *Dug. Bar.* Vol. II. See also p. 15. in our third Volume.

An. 2. James I. 1604. sumptuous Speech; but, the Determination thereof was deferred until their next Sitting. After which, the Bill being put to the Question, it was passed by a great Majority.

For which he is committed to the Fleet.

The next Day this Affair was again renewed; and a Recital of the Lord *Montague's* presumptuous Speech made; on which, it was ordered by all the Lords Spiritual and Temporal, that the said Lord should be committed Prisoner to the Fleet, and the Warden of that Prison was immediately sent for to take him into Custody. But, he did not continue long a Prisoner; for, three or four Days after his Commitment, the Lords being informed that the said Lord *Montague* was sorry for his Offence, and that he had given Cause for their Displeasure; begging to be released from his Confinement, and take his Place in the House: It was ordered that he should be discharged from the Fleet, and return to his own House, there to remain till *Monday* next, when he was to repair to the House of Lords, and by his own Mouth declare his Dislike of his Speech, and give Satisfaction to the Lords for the same. Accordingly, the next Day he was brought to the Bar, and there he told the House, 'How far it was, and ever should be, from him to do any thing out of any ill Disposition or Meaning to offend them; rendering unto their Lordships most humble Thanks, for their no less favourable Construction of his Intention, than for their most honourable and present Releasement of him; with Protestation of his most humble and Dutiful Zeal towards his Majesty, and, also, of his most loving and devoted Affection towards all their Lordships.'

Petition relating to the Barony of *Bergavenny*.

There is a long Entry made in the Lords Journals of this Session, relating to two Petitions, presented to the House, each of them claiming the ancient Barony of *Bergavenny*. The one was from *Edward Nevile*, Esq. who proved himself to be the Heir Male, and the other from the Lady *Fane*, or *Vane*, and her Heirs, who were proved to

An. 2 James I.
1604.

to be the Heirs General. The Proceedings on this Affair were very long; at length it was determined by the Lords, that *Nevile* should have the Barony of *Bergavenny*, and the Lady the Barony of *Le Despencer*, which was also in the Family. And this Award being confirmed by the King, the two Baronies were made Hereditary in both Families (n).

In the *Journals* of the Commons, is a remarkable Affair, relating to the Imprisonment of one of their own Members. Sir *Thomas Shirley*, Member for *Steyning*, had been committed Prisoner to the Fleet, soon after his Return, and before the Parliament met, on an Execution. The House sent their Serjeant at Arms to demand the Prisoner; which was refused by the Warden. On this, he was sent for himself to the House, where he still persisted in denying to release the Prisoner; and was committed to the *Tower* for the Contempt. On the 9th of *May*, a strong Debate arose in the House, what they should do to release their Brother, some arguing that the House could not, by Law, secure the Warden from an Escape of his Prisoner. But the Recorder of *London* said, 'That this was not a Time to treat about Matters of Law; but how to deliver Sir *Thomas Shirley*. He moved that six of the House might be selected and sent to the Fleet, with the Serjeant and his Mace to attend them; there to require the Delivery of Sir *Thomas Shirley*: And, if it was denied, to press to his Chamber, and, providing for the Safety of the Prison and Prisoners, to free him by Force, and bring him away with them to the House.'

Debate on the
Imprisonment of
a Member in the
Fleet.

This Motion was put to the Question, and, the House dividing, there were 176 for it, and 153 against the Motion; on which it was resolved to send, with Direction and Authority, as before.

VOL. V. H But,

(n) The Barony of *Bergavenny* is at this Day in the *Nevile* Family, and the Barony of *Le Despencer* in the Family of *Fane*, now Earl of *Westmorland*.

An. 2 James I. But, the Speaker putting the House in Mind that
1604.

all those, so sent to enter the Prison in that Manner, were by Law, subject to an Action upon the Case; it was thought meet to stop this Proceeding.

Many Projects were formed in the House for several Days together, for the Delivery of the Prisoner, but to no Purpose; when the Warden was again ordered to be brought before them; and being told of the Greatness of his Contempt, and terrified with further Punishment if he would not yield, he still refused to deliver his Prisoner to them.

On this, another Debate arose, and, having come to a Resolution, the Warden was called in again, when he, still persisting in his Obstinacy, was told by the Speaker, 'That, as he did increase his Contempt, so the House thought fit to increase his Punishment; and that their Judgment was, now, he should be committed to the Prison, called *Little-Ease*, within the *Tower*.'

The next Day, the Lieutenant of the *Tower* sent a Letter to the Speaker, importing, That he had talked with the Warden, his Prisoner; and that he now seemed to have some Feeling of his Error and Obstinacy; and that if the House would send two of their Members, which he named, to satisfy him in the Point of his Security, he would be content to deliver up his Prisoner to their Serjeant, when they would please to send for him. But the House would not consent to this; and after many more Arguments and Debates, the Day after they came to a Resolution, to send another Warrant of *Habeas Corpus* to release their Member; and that the Warden should be brought from the *Tower* to the Door of the Fleet, and there to have it served upon him by the Serjeant, and then to be returned to his Dungeon of *Little-Ease* again. The Form of all these Warrants are in the *Journals*; but there is a *Memorandum* added to this last, 'That Mr. Vice-Chamberlain was, privately, instructed to go to the King, and humbly desire that he would be pleased to command the Warden, on his Allegiance, to deliver up Sir *Thomas*; not as petitioned

'tioned for by the House, but as if himself thought An. 2 James I.
1604.
'it fit out of his own gracious Judgment.'

It is likely this last Method prevailed; for we find that Sir *Thomas* was delivered up, by a Petition sent to the House from the Warden, in his strait Durance, and praying to be released from it. However, the House thought fit to continue him, in the same dismal Hole, some Time longer; when, at last, being ordered to be brought to the Bar, on his Knees, 'He confessed his Error and 'Presumption, and professed that he was unfeign- 'edly sorry that he had so offended that honourable 'House.' On which, the Speaker, by Direction of the House, pronounced his Pardon and discharged him, paying the ordinary Fees.

We have now gone through the most remarkable Proceedings of either House in this Session of Parliament, which began on the 19th Day of *March* 1603, and ended on the 7th of *July*, in the Year 1604; as long a Session as we have yet met with. There was a great Deal of Business done at it, our Statute-Books enumerating no less than 33 Acts passed, but the Catalogue in the Lords *Journal* mount them to 120. Many of these were private Acts, particularly, for Naturalizing several *Scotchmen* and Families come over with the new King; some other Bills which passed both Houses were rejected.

On *Saturday, July 7th*, the King came to the House of Lords, about Two in the Afternoon; and, being seated on the Throne, the Commons and their Speaker were sent for; who, on presenting the Bills, made the following Speech to his Majesty:

'**H**ISTORY, most high and mighty Sovereign, is truly approved to be the Treasure of Times past, the Light of Truth, the Memory of Life, the Guide and Image of Man's present Estate, Pattern of the Things to come, and the true Work-mistress of Experience, the

The Speaker's
Speech at the
Close of the Session.

Ab. 2 James I.
1604.

‘ Mother of Knowledge; for therein, as in a
‘ Crystal, there is not only presented unto our
‘ Views the Virtues, but the Vices; the Perfec-
‘ tions, but the Defects; the Good, but the Evil;
‘ the Lives, but the Death, of all precedent Go-
‘ vernors and Government, which held the Reins
‘ of this Imperial Regiment: Where, although
‘ the same hath ever been managed with one Idea,
‘ or Form of Government; namely, by the Laws
‘ Direction, by Kings Rule, by Senates Advice,
‘ and by Magistrates Discipline; yet hath the
‘ same bidden Fruits of several Kinds of Sense,
‘ moving from the Use or Abuse of Laws Direc-
‘ tion, from the Virtue or Error of Kings Rule,
‘ from the Good or Evil of Senates Advice, or
‘ from the Justice or Injustice of Magistrates Dis-
‘ cipline: For as good Government is the Guide-
‘ Mistress of human Happiness, and Tutress of
‘ publick Commodity; so is ill Government the
‘ devouring Tyrant of Subjects Bliss, and the ve-
‘ nomous Poisoner of Commonwealth well doing.

The Laws.

‘ The Laws, whereby the Ark of this Govern-
‘ ment hath been ever steered, are of three Kinds;
‘ the first, the Common Law, grounded or drawn
‘ from the Law of God, the Law of Reason, and
‘ the Law of Nature, not mutable; the second,
‘ the positive Law, founded, changed, and alter-
‘ ed by and through the Occasions and Policies of
‘ Times; the third, Customs and Usages, prac-
‘ tised and allowed with Time’s Approbation,
‘ without known Beginnings: Wherein although
‘ we differ from the Laws of other States Govern-
‘ ment, yet have the Authors thereof imitated the
‘ approved Excellency of *Plato* and *Aristotle*, fram-
‘ ing their Laws according to the Capacity, Na-
‘ ture, Disposition, and Humour of the Place and
‘ People; by the Level of whose Line this State
‘ hath been commanded, governed, supported, and
‘ maintained these * * * Years, not inferior, but
‘ in equal Balance with any confining Regiment
‘ whatsoever; and have, by the Touchstone of
‘ true

true Experience, approved to be to the King his
 Scepter, to the Senate the Oracle of Counsel, to
 the Judge the Rule of Justice, to the Magistrate
 the Guide of Discipline, to the Subject the
 School-mistress of Obedience, to the Multitude
 the Preventer of Ignorance, the Standard-bearer
 of Sedition, and, generally to all, the Bond,
 that tieth Men to civil and orderly Course of
 Life. Finally, Laws are only Dials of true
 Direction; Direction the Weapons of Govern-
 ment; Government the Armour of Peace; and
 Peace, the true Perfection of all worldly Happi-
 ness: But contrarywise, no Laws, no Direc-
 tion; no Direction, no Government; no Go-
 vernment, no Peace; no Peace, utter Destruc-
 tion; for, *sine Imperio*, neither House, neither
 City, neither Nation, neither Mankind, nor
 the Nature of Things, *nec ipse Mundus stare potest*.
 And yet the Good or Ill, both of Laws, and of
 each worldly Thing, consisteth in the Use or
 Abuse of the same; as, if well used, it yieldeth
 the Sweet of his true Property; but, if abused,
 that Sweet is turned to Sour; or, if not used,
 loseth his Virtue: As, amongst earthly Things,
 Food hath his Precedency; for, being well used,
 it maintaineth and supporteth the Life and Na-
 ture of Man; but abusedly taken, by Surfeit
 destroyeth the Body; or if not used, remaineth
 fruitless; so the Laws, if well disposed, are the
 Stern, that wieldeth the Ark of Civil Govern-
 ment; but perverted, become the Instruments
 of Destruction; or not executed, become *Corpus*
sine Anima; and therefore are to receive either Life
 or Death, by the Good or Ill of the King's Rule,
 the Senates Advice, and the Magistrates Discipline.
 As concerning the Bliss or Bane of Kings Go-
 vernment, which in itself, and of itself, repre-
 senteth a Divine Majesty, it consisteth in two
 general Parts; the one, Example, the other,
 Command: For as, from below, we receive
 either Light or Darkness from above, so doth
 the Subject from the Prince's Example receive
 either

An. 2 James I.
1604.

‘ either his Virtue, or his Vice ; and Experience
 ‘ approveth, that the Estate of Commonwealths
 ‘ changeth with the Alteration of Princes Prece-
 ‘ dent. And therefore the Errors of Princes are
 ‘ not hurtful in themselves, as are their erroneous
 ‘ Examples; whereby their People become infected :
 ‘ For it hath, and ever will be approved true, that
 ‘ Subjects, by Imitation of their Princes Example,
 ‘ for the most Part become like unto themselves ;
 ‘ for the excellent Splendor of the King’s Virtue
 ‘ doth not only incite all Subjects to behold them,
 ‘ but exceeding Admiration and Imitation to
 ‘ love them, and, by loving, to observe them.
 ‘ And therefore the Virtue of *Vespasianus* Ex-
 ‘ ample wrought more effectual Good amongst
 ‘ his People, than his Laws: For *Obsequium in*
 ‘ *Principes et æmulandi Amor*, are, of all other,
 ‘ most excellent Tractives to the Good or Ill of
 ‘ Subjects Course of Life; and therefore the more
 ‘ curiously and respectively ought they to be in their
 ‘ Acts and Actions, as the leading Stars of the
 ‘ People’s Direction. The other resteth in his
 ‘ absolute Power of Command: For although the
 ‘ Law may direct, the Senate advise, and the
 ‘ Magistrate execute; yet to determine and com-
 ‘ mand is proper to the King himself: And there-
 ‘ fore his Commands ought to be religious; for he
 ‘ therein becometh the President of many Millions
 ‘ of Souls; they ought to be just, for he sitteth
 ‘ in the Judgment Seat of the absolute King of
 ‘ Justice; they ought to be tempered with Mercy,
 ‘ for he representeth the divine Image of Mercy;
 ‘ they ought to be mild, for he is the Father and
 ‘ the Subjects his Children; they ought to be pre-
 ‘ servative, and not devouring, for he is the Shep-
 ‘ herd, and they the Flock; they ought rather to
 ‘ prevent the Cause of Offence, than punish the Of-
 ‘ fender, for one is much more honourable than the
 ‘ other; they ought to be warranted by Law, for
 ‘ both by Office and Oath he is bound to his Law;
 ‘ they ought to proceed from Reason, for thereby
 ‘ he is revered as a God amongst Men; they
 ‘ ought

ought to be prudent, for that makes him deified with Fame and Renown. *Lycurgus* never commanded ought to be done, that himself would not do; which made him honoured, revered, and obeyed; but *Sylla* commanding Sobriety, Temperance, and Frugality, himself practising the contrary, was both contemned and scorned: And therefore the King ought to patronize his Command by his Actions. *Themistocles* demanded, whether he were a good Poet, that in singing would transgress the true Rules of Musick? Being answered, No; replied, no more is that King, that commands without his Law. *Theopompus* being asked, why *Lacedæmon* did so flourish; answered, because their King knew how to command; and Commandments, justly commanded, exact Performance; but Things, unduly required, do breed Mislake, and sometimes enforce Refusal. *Claudian* therefore concludeth, *Peraget tranquilla potestas, Quod violenta nequit; mandataque fortius urget Imperiosa quies*: And more gracious is the Name of Piety, than of Power. To conclude, Princes, by the Perfection of their Examples, and by the Virtue of their just Commands, become to God acceptable, to the World renowned, to their People beloved, to all Men with Reverence admired, and in the End with Glory immortalized; but if their Commands be unjust, unmerciful, cruel, devouring, lawless, unreasonable, and imprudent, he loseth the glorious Title of a good King, and becometh eternized with the deathless Fame of an hellish Tyrant; which all good Kings ought to eschew, as the devouring Devil of their Fame, Renown, and Eternity.

The third Place in the Commonwealth hath the Senate: For no King can, with his Diligence and only Wisdom, equally govern the whole Estate; for it is rather the Virtue of God, than Man, effectually to know all Things appertaining to Government: And therefore, as it is necessary for a Prince to see with his own

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Eyes, to hear with his own Ears, and to direct by the Dial of his own Judgment; so is it requisite for a Prince to have many Eyes, many Ears, many Tongues, many Hands, many Feet, and many Wits, to see, to hear, to dispatch, to inform, and advise, for, in, and concerning the publick State, as Preparatives to his commanding Judgment, and Preservatives against the common Evil. *Romulus* therefore refused to undergo the Burden of Government alone, but chose unto himself a hundred Senators. *Trajanus* called his Senate his Father; for as the Father doth foretel his Son of the Good or Ill that may befall him, so ought the Senate to admonish the King of Things profitable, and unprofitable, to him and the State. The Senate therefore ought to know the Law, the Liberties, the Customs, the Use, and Discipline, wherewith the State is governed; they ought not only to know the Means, whereby the State may be beautified, amplified, and preserved, but also how the same may be weakened, impeached, or subverted; they ought also to know, what is the Majesty, Prerogative, Greatness, and Jurisdiction of a King, and what is the due Right and Liberty of Subjects; for they are the Mean, and Judges between Force and Fear, Liberty and Servitude, the King and his People. A Counsellor ought therefore to be temperate, not passionate in his Affections; moderate, not transported with Appetites; mortified by Years, not inveigled by Youth; grave in his Behaviour, not light in his Condition; justly wise in his Advice, not crafty in his Counsel; virtuous in his Conversation, not vicious in his Disposition: A Counsellor thus complete, is to the King a watchful Tower, to the Law a graceful Ornament, to Government an absolute Guide, and to the People a beloved Oracle; but if he be passionate in his Affections, transported in his Appetites, inveigled by his Youth, light in his Condition, crafty in his Counsel, and vicious in his

his Disposition; then becometh he to the King
a regardless and watchless Tower, to the Law a
disgraceful Blemish, to the Government a blind
dissolute Guide, and to the People a contemned
fabulous Deceiver.

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The next and immediate subsequent Place in
the Commonwealth hath the Magistrate; for in
vain is the Laws Direction, the King's Com-
mand, and the Senate's Advice, if not by the
Magistrate's Discipline executed: For Laws,
Command, and Advice receive not their Autho-
rity, when they are enacted, given, or advised,
but when they are executed; not when they are
enacted, but when they are observed; and there-
fore the Commonwealth doth put upon the Ma-
gistrate the Person of Severity, to execute the
Laws Direction, Prince's Command, and the
Senate's Advice. The *Roman* Magistrate there-
fore said, my Mother had brought me into the
World of mild and gentle Disposition, *Sed Res-*
publica me severum fecit: For Laws are delivered
to the Magistrate, as a Sword, to cut off the
Reins of licentious Liberty; but if the Magistrate
keep it sheathed or rusty, is there any that will dread
the Correction of so sheathed or rusty a Weapon?
Secondly, Laws are ordained as Rules or Lines of
Mens Lives; but if the Magistrate, through Fear
or Pity, shall bend them to and fro, is there any
Man that will regard so leaden a Rule? Thirdly,
Laws are established as Walls, or Forts, or De-
fence against Disorder; but if the Magistrate
shall suffer them to melt with Favour, or rend
asunder with Corruption, will not all Men con-
temn such Walls of Wax, or Forts of Cobwebs?
The Memory of *Nerva* his Example approveth
it; who, through too tender a Conceit of Pity,
was noted over-sparing in Punishment of the
People's Insolencies; but in the End, his City
thereby grew into such Contempt, both of his
Person and Government, that of him it was
said, That better it were for all good Men to
live under the Government of *Domitian*, under
whom

Ans. 3. James I. 1604. ' whom nothing was lawful, than under *Nerva*,

' where all Things were lawful. And therefore
' the Magistrate ought to be *sciens, justus, et fortis* :
' First, to know what he is to execute ; secondly,
' to be just in his Execution ; and thirdly, not to
' fear the Face of any, in that he ought to exe-
' cute ; for he is the living Law, and the Law of
' the dumb Magistrate ; And nothing is more per-
' nicious in the Commonwealth, than an ignorant,
' unjust, and timorous Magistrate. To conclude,
' as the End of the Sailor's Endeavour is good
' Passage, the Physician's Travel, Health, the
' Captain's Labour, Victory ; so the well Disci-
' plining of the People ought to be the Magistrate's
' true Endeavour ; which if he regardfully per-
' form, then becometh he a good Pilot, a provi-
' dent Physician, a victorious Captain, and a just
' well-deserving Magistrate ; but if he be ignorant,
' remiss, timorous, unjust, or corrupt ; then is
' he to the Life of the Law a deathful Murderer,
' to the Soul of the King's Justice a betraying
' Teacher, to the Virtue of Senates Advice a de-
' ceiving Evil, and to the Body of the Common-
' Wealth a devouring Wolf.

' A People, by the Direction of such Laws,
' by the Grace, Wisdom, and Justice of such a
' King, by the Advice of such a Senate, and by
' the Discipline of such Magistrate, governed, if
' not then loyal and obedient, are rather the
' Whelps of Wolves, than Sons of Men ; rather
' Monsters of Nature, than Creatures of Reason ;
' nay, more Devils in Condition, than Professors
' of Religion : From the Corruption of which
' Error your Majesty shall ever approve us to be
' as free, as Virtue is from Vice. And though,
' during the Time of these our Parliament Coun-
' sels, we have, (through the Warrant of our long
' continued Privilege, your gracious Approbation
' thereof, your Patience in hearing, your Wisdom
' in discerning, your Justice in adjudging, and
' your Clemency in relieving) presumed of you,
' as of our King, but more of you, as of our
2 ' good

' good King, nay, most of all of you, as a most An. 2 James I. 1604.
 ' absolute good Man, to propound, dispute, assent,
 ' and dissent, freely; to implore your royal Pro-
 ' tection of our long-continued Liberties, your
 ' gracious relieving of our Burdens (not by Autho-
 ' rity imposed, but by the Corruption of base Of-
 ' ficers extorted) and your discerning Consideration
 ' of our feared Dangers; wherein although we
 ' have proceeded without Flattery or Cowardice
 ' (the one never being a true Counsellor, nor the
 ' other a good Subject) yet hath the same been
 ' without Hearts or Minds Thought, either to
 ' distaste your gracious Pleasure, or to detract
 ' ought, that in Right, Honour, or Prerogative,
 ' yourself in your great Wisdom should affect as
 ' good: For your Glory is, and must be, your Ho-
 ' nour, your Greatness our Protection, your A-
 ' bundance our Riches, your Safety our Security,
 ' your Content our Joy; otherwise were we wor-
 ' thily unworthy of the Blessings of the Religion,
 ' of the Peace, of the Safety, of the Grace, and,
 ' generally, of all the Fruits of Happiness, which
 ' by you, from you, and under you, we do, and
 ' hope ever to possess. And as out of your prince-
 ' ly Grace you pleased (to our exceeding Hearts
 ' Comfort) to say, that you more joyed to be
 ' King of such Subjects, than to be King over
 ' many Kingdoms; so do we, with true Zeal and
 ' Faith, protest more to joy in being the Subjects
 ' of such a King, than in the Freedom of any
 ' Liberty, which we shall ever with our Hearts
 ' Life Blood endeavour to approve against all Op-
 ' posers and Opposition: And as God let him en-
 ' dure the Torment of ever dying Death, that
 ' otherwise shall in Mind conceit, or in Heart
 ' consent; so let him live hatefully to God and
 ' Man, that shall endeavour, or occasion in the
 ' least, to impeach and violate so royal and loyal a
 ' Conjunction between a Head so absolutely peer-
 ' less, and a Body so faithfully loyal. And altho'
 ' your Majesty, more seeking to enrich your Trea-
 ' sure with the Hearts and Minds of us your Sub-
 ' jects,

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1604.

jects, than with the Money and Treasure of our Purfes, have lately, out of your abundant Grace, prevented our concluding to present you with a Subsidy of Crowns and Coin, being but a Blossom of the fruitful ever-bearing Tree of our abundant Love, Loyalty, and Duty (which we sooner shall leave to live, than leave unperformed) yet give us leave (of all other most worthy to be beloved Sovereign) not only to present you with our humble and dutiful Thanks, but also to present you with five Subsidies, of far more precious Price and Worth: 1. The first consisting of many Millions of affectionated Hearts to love you: 2. Of Number of loyal Minds to obey you: 3. Of as many zealous Spirits to pray for you: 4. Of as equal proportioned Hands to fight for you: 5. And with the Treasure of the whole Kingdom to supply you; which the World shall both feel and know, when, where, and against whom whatsoever, your Majesty shall be pleased to dispose and command us. This we profess, protest, and present, neither out of servile Fear, nor base Flattery, both hateful to a King so absolute, wise, magnanimous, and gracious; but out of our endless Loves, Duties, and Loyalties, whereunto Death only, and nought else but Death, shall be of Force to give End.'

There is no Speech of the King's, or the Lord Chancellor, entered, for this Time, in either *Journal*; and no more is said, in the Lords, than, that the Lord Chancellor, by the King's Command, prorogued this Parliament to the 7th Day of *February*, next ensuing.

Notwithstanding the great Affair of the *Union* was still obstructed, though the King laboured hard to bring it about; yet, by the Advice of his Council, he was this Year proclaimed King of *Great Britain, France and Ireland*, that the Names of *England and Scotland* might from henceforth be extinct. *Scottish* Coins were made Current, and the Arms

The Royal Style declared, by Proclamation, to be, King of *Great-Britain, &c.*

Arms of both Kingdoms quartered; on all Standards, Military and Civil, throughout both the Nations. Peace was also proclaimed here between England and Spain, on the 5th of August, 1604 (o). An. 2. James I.
1604.
Peace with Spain.

The Parliament met the 7th of February, according to Prorogation, and were prorogued by Commission, to the 3d of October. At which Time they were again prorogued, in the same Manner, to the 5th of November following; and on that Day, to the 9th of the said Month. Anno Regni 3.
1605.
At Westminster.

During which last mentioned Periods, was discovered the deepest and blackest Plot that ever was laid against King and Kingdom: So vile and execrable in its Nature, that no Religion could tolerate, nor no Cause whatsoever give a Sanction to it. The Reader will presently comprehend that the infamous *Gun-Powder-Plot* is here meant; the Account of which is so amply given by all our *English* Historians. It has been pretended indeed by some, that this was a sham Plot from the Beginning, and it has been called *Cecil's Plot*; by others, that the King and Ministry were well informed of the whole Contrivance of it from the first, and only waited to see how many would join in the Devilish Scheme.——But, as the Business of *these Enquiries*, is only to give the Sense of an *English Parliament*, on this formidable Affair, we shall leave any further Animadversions upon it; and go on with the Proceedings of this second Session of the first Parliament in this Reign. The Gunpowder
Plot discovered.

In the *Journals* of the *Commons*, November 5th, we find this Entry. ‘This last Night the Upper House of Parliament was searched by Sir *Thomas Knevett*; and one *Johnston*, Servant to Mr. *Thomas Percy*, was there apprehended; who had placed thirty-six Barrels of Gun-Powder in the Vault under the House, with a Purpose to blow up the King and the whole Company when they should there assemble.——Afterwards, divers other Gentlemen were discovered to be of the Plot.’

The

(o) *Wilson's Life of King James I. and Camden's Annals.*

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The *Lords Journals* tells us, That on the 9th of November, the House being met, and the King seated on the Throne, the Lord Chancellor opened the Session, with giving some Account of what had passed between the Commissioners of *England* and *Scotland*, at their late Meeting, according to an Act made for that Purpose last Session of Parliament. Afterwards, he presented to his Majesty and the House two Copies of the Tripartite Writings agreed on (p), one of which was delivered openly to the Clerk of Parliament, to be kept in his Custody till a farther Proceeding in that Business. He then made a Relation of the most wicked and horrible Treason ever heard of; intended against his Majesty and the whole State; which was purposed to have been put in Execution on *Tuesday*, the 5th Instant, the first Day of this Session, holden by Prorogation.

The Lord Chancellor having ended, the King began to tell the House, that he came there, at this Time, (contrary to the Custom of any of his Predecessors, at the Beginning of any Session of Parliament, holden by Prorogation) on Purpose to receive the Writing which had just then been delivered in; that no Stop might be put to that Proceeding. Afterwards his Majesty made an ample Declaration to both Houses, of the late most horrible Treason, in the following Speech from the Throne (q).

My

(p) 1. For the King: 2. The Parliament of *England*: 3. The Parliament of *Scotland*.

(q) This Speech is taken from a Book, entituled, *A Discourse of the Manner of the Discovery of this late intended Treason, joined with the Examination of some of the Prisoners*. (Imprinted at London, by Robert Barker, Printed to the King's Most Excellent Majesty, Anno 1605.) And is compared by the *Lords Journals*.

The Embassadors of *Spain* and the Archduke of *Austria* were present in the House at this Speech; according to *Edmund Howet*, the Continuator of *John Stowe's Chronicle*.

Osborne tells us, 'That after this happy Discovery, his Catholic Majesty sent an Agent on purpose to Congratulate King James his great Preservation. A Flattery so palpable, as the Pope could not refrain Laughing in the Face of Cardinal D'Ofsat when he first told it him; nor he forbear to inform his King of it, as may be found in his printed Letters: It being notorious, that at King James his first Assumption to the Throne of *England*, none sought his Destruction more cordially than the Spaniard.'

Osborne's Memorials of King James 8vo, p. 437.

My Lords Spiritual and Temporal, and You the Knights and Burgesſes of this Parliament. An. 2 James I. 1604.

‘ I T was far from my Thoughts, till very lately before my Coming to this Place, that this Subject ſhould have been miniſtred unto me, whereupon I am now to ſpeak. But now it ſo falleth out, That whereas in the preceding Seſſion of this Parliament, the principal Occaſion of my Speech was, to thank and congratulate all you of this Houſe, and in you, all the whole Common-wealth (as being the repreſentative Body of the State) for your ſo willing, and loving receiving, and embracing of me in that Place, which God and Nature, by Deſcent of Blood, had in his own Time provided for me: So now my Subject is, to ſpeak of a far greater Thankſgiving than before I gave to you, being to a far greater Perſon, which is to God, for the great and miraculous Delivery he hath at this Time granted to me, and to you all, and conſequently to the whole Body of this Eſtate.

‘ I muſt therefore begin with this old and moſt approved Sentence in Divinity, *Miſericordia Dei ſupra omnia opera ejus*. For Almighty God did not furniſh ſo great Matter to his Glory, by the Creation of this great World, as he did by the Redemption of the ſame. Neither did his Generation of the little World, in our old and firſt Adam, ſo much ſet forth the Praises of God in his Juſtice and Mercy, as did our Regeneration in the laſt and ſecond Adam.

‘ And now I muſt crave a little Pardon of you, (That ſince Kings are in the Word of God itſelf called Gods, as being his Lieutenants and Vicegerents on Earth, and ſo adorned and furniſhed with ſome Sparkles of the Divinity;) to compare ſome of the Works of God the Great King, towards the whole and general World, to ſome of his Works towards me, and this little World of my Dominions, compaſſed and ſepered by the Sea from the reſt of the Earth. For

‘ as

The King's
Speech upon that
Occaſion.

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‘ as God, for the just Punishment of the first
 ‘ great Sins in the original World, when the Sons
 ‘ of God went in unto the Daughters of Men, and
 ‘ the Cup of their Iniquities of all Sorts was filled;
 ‘ and heaped up to the full, did by a general Deluge
 ‘ and Overflowing of Waters, baptize the World
 ‘ to a general Destruction, but not to general Pur-
 ‘ gation : (only excepted *Noah* and his Family,
 ‘ who did repent and believe the Threatenings of
 ‘ God’s Judgment :) So now, when the World
 ‘ shall wax old as a Garment, and that all the
 ‘ Impieties and Sins that can be devised against
 ‘ both the first and second Table, have, and shall
 ‘ be committed to the full Measure ; God is to pu-
 ‘ nish the World the second Time by Fire, to the
 ‘ general Destruction and not Purgation thereof.
 ‘ And, as it was done in the former to *Noah* and
 ‘ his Family by the Waters ; so shall all we that
 ‘ believe be likewise purged, and not destroyed by
 ‘ the Fire. In the like Sort, I say, I may justly
 ‘ compare these two great and fearful Dooms-Days,
 ‘ wherewith God threatened to destroy me, and
 ‘ all you of this little World that have Interest in
 ‘ me. For although I confess, as all Mankind,
 ‘ so chiefly Kings, as being in the higher Places
 ‘ like the high Trees, or stayest Mountains, and
 ‘ steepest Rocks, are most subject to the daily
 ‘ Tempests of innumerable Dangers ; and I amongst
 ‘ all other Kings, have ever been subject unto
 ‘ them, not only ever since my Birth, but even, as
 ‘ I may justly say, before my Birth, and while I
 ‘ was yet in my Mother’s Belly : Yet have I been
 ‘ exposed to two more special and greater Dangers
 ‘ than all the rest.’

‘ The first of them, in the Kingdom where I
 ‘ was born, and passed the first Part of my Life :
 ‘ And the last of them here, which is the greatest.
 ‘ In the former, I should have been baptized in
 ‘ Blood, and in my Destruction, not only the
 ‘ Kingdom, wherein I then was, but ye also, by
 ‘ your future Interest, should have tasted of my
 ‘ Ruine. Yet it pleased God to deliver me, as it
 ‘ were,

were, from the very Brink of Death; from the Point of the Dagger, and so purge me by my thankful Acknowledgment of so great a Benefit. But in this which did so lately fall out, and which Destruction was prepared not for me alone; but for you all that are here present, and wherein no Rank, Age, or Sex should have been spared: This was not a crying Sin of Blood as the former; but it may well be called a roaring, nay, a thundering Sin of Fire and Brimstone, from the which God hath so miraculously delivered us all. What can I speak of this, I know not: Nay; rather, what can I not speak of it? And therefore I must for Horror say with the Poet; *Vox faucibus hæret.*

In this great and horrible Attempt; whereof the like was never either heard or read; I observe three wonderful, or rather miraculous Events.

First, in the Cruelty of the Plot itself; wherein cannot be enough admired the horrible and fearful Cruelty of their Device, which was not only for the Destruction of my Person, nor of my Wife and Posterity only, but of the whole Body of the State in general; wherein should neither have been spared, or Distinction made of Young nor of Old, of Great nor of Small, of Man nor of Woman: The whole Nobility; the whole Reverend Clergy, Bishops, and most Part of the good Preachers; the most Part of the Knights and Gentry; yea, and if that any in this Society were Favourers of their Profession, they should all have gone one Way: The whole Judges of the Land, with most of the Lawyers and the whole Clerks: And, as the Wretch himself that is in the Tower, doth confess, it was purposely devised by them; and concluded to be done in this House: That where the cruel Laws (as they say) were made against their Religion, both Place and Persons should all be destroyed and blown up at once. And then consider therewithal the cruel Sort of that Practice:

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' tice : For by three different Sorts, in general, may
' Mankind be put to Death.'

' The First, by other Men, and reasonable Crea-
' tures, which is least cruel ; for then both De-
' fence of Men against Men may be expected, and
' likewise who knoweth what Pity God may stir
' up in the Hearts of the Actors at the very In-
' stant ? Besides the many Ways and Means,
' whereby Men may escape in such a present
' Fury.'

' And the second Way more cruel than that, is
' by animal and unreasonable Creatures : For as
' they have less Pity than Men, so it is a greater
' Horror, and more unnatural for Men to deal
' with them : But yet with them both Resistance
' may avail, and also some Pity may be had ; as
' was in the Lions, in whose Den *Daniel* was
' thrown ; or that thankful Lion, that had the
' *Roman Slave* in his Mercy.

' But the Third, the most cruel and unmer-
' ciful of all, is the Destruction by insensible and
' inanimate Things ; and amongst them all, the
' most cruel are the two Elements of Water and
' Fire ; and of those two the Fire most raging and
' merciless.

' Secondly, How wonderful it is when you shall
' think upon the small, or rather no Ground,
' whereupon the Practisers were enticed to invent
' this Tragedy. For if these Conspirators had
' only been Bankrupt Persons, or Discontented
' upon Occasion of any Disgrace done unto them ;
' this might have seemed to have been but a Work
' of Revenge. But for my own Part, as I scarce-
' ly ever knew any of them ; so cannot they
' alledge so much as a pretended Cause of Grief :
' And the Wretch himself, in Bands, doth confess,
' That there was no Cause moving him or them,
' but meerly and only Religion. And specially,
' that Christian Men, at least so called, *English-*
' *men*, born within the Country (r), and one of
' the

(r) This was *Thomas Percy*, Esq. one of the Band of Gentlemen Pensioners, *Stowe's Chronicle*.

the Specials of them, my sworn Servant in an An. 3 James I.
honourable Place, should practice the Destruction of their King; his Posterity, their Country and all; wherein their following Obstinacy is so joined to their former Malice, as the Fellow himself that is in Hand, cannot be moved to discover any Signs or Notes of Repentance; except this, that he doth yet stand to avow; that he repents only for not being able to perform his Intent.

Thirdly, The Discovery hereof is not a little wonderful, which would be thought the more miraculous by you all, if you were as well acquainted with my natural Dispositions as those are who be near about me. For as I ever did hold Suspicion to be the Sickniess of a Tyrant; so was I so far upon the other Extremity, as I rather contemned all Advertisements, or Apprehensions of Practices. And yet now, at this Time, was I so far for contrary to myself, as when the Letter was shewed to me by my Secretary, wherein a general, obscure Advertisement was given of some dangerous Blow at this Time; I did upon the Instant interpret and apprehend some dark Phrases therein, contrary to the ordinary Grammar-Construction of them, (and in another Sort than I am sure any Divine, or Lawyer in any University would have taken them) to be meant by this horrible Form of Blowing us up all by Powder; and thereupon ordered that Search to be made, whereby the Matter was discovered, and the Man apprehended: Whereas if I had apprehended or interpreted it to any other Sort of Danger, no worldly Provision or Prevention could have made us escape our utter Destruction,

And in that Case, there was a wonderful Providence of God, that, when the Party himself was taken, he was but new come out of his House from Working; having his Fire-work for kindling ready in his Pocket; wherewith, as he confesseth, if he had been taken but immediately

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1605.

‘ before, when he was in the House, he was resolv-
‘ ed to have blown up himself with his Takers.’

‘ One Thing, for my own Part have I Cause
‘ to thank God in; That if God, for our Sins,
‘ had suffered their wicked Intents to have prevail-
‘ ed, it should never have been spoken nor written
‘ in Ages succeeding, that I had died ingloriously
‘ in an Ale-house, a Stews, or such vile Place;
‘ but mine End should have been with the most
‘ Honourable and best Company, and in that
‘ most Honourable and fittest Place for a King to
‘ be in, for doing the Turns most proper to his
‘ Office: And the more have We all Cause to
‘ thank and magnify God for this his merciful De-
‘ livery. And specially I for my Part, that he
‘ hath given me yet once Leave, whatsoever should
‘ come of me hereafter, to assemble you in this
‘ Honourable Place; and here in this Place, where
‘ our general Destruction should have been, to
‘ magnify and praise him for our general Delivery;
‘ that I may justly now say of mine Enemies and
‘ yours, as *David* doth often say in the *Psalms*, *In-*
‘ *tiderunt in foveam, quam fecerunt*. And since
‘ *Scipio* an *Ethnick*, led by the Light of Nature,
‘ that Day when he was accused by the Tribunes
‘ of the People of *Rome*, for mispending and
‘ wasting in his *Punick* Wars the City’s Treasure,
‘ even upon the sudden brake out with that Diver-
‘ sion of them from that Matter, calling them to
‘ Remembrance how that Day was the Day of
‘ the Year, wherein God hath given them so
‘ great a Victory against *Hannibal*; and therefore
‘ it was fitter for them all, leaving other Matters
‘ to run to the Temple to praise God for that so
‘ great Delivery, which the People did all follow
‘ with one Applause: How much more Cause
‘ have we, that are Christians, to bestow this Time
‘ in this Place for Thanksgiving to God for his
‘ great Mercy, though we had had no other Errand
‘ of Assembling here at this Time; wherein, if I
‘ have spoken more like a Divine, than would seem
‘ to belong to this Place, the Matter itself must
‘ plead

‘plead for mine Excuse : For being here come to
‘thank God for a Divine Work of his Mercy ;
‘how can I speak of this Deliverance of us from
‘so hellish a Practice, so well, as in Language of
‘Divinity, which is the direct opposite to so dam-
‘nable an Intention ? And therefore may I justly
‘end this Purpose, as I did begin it with this Sen-
‘tence, *The Mercy of God is above all his Works.*’

‘It resteth now, that I should inform you what
‘is to be done hereafter, upon the Occasion of this
‘horrible and strange Accident. As for your Part,
‘that are my faithful and loving Subjects of all
‘Degrees, I know that your Hearts are so burnt
‘up with Zeal in this Errand, and your Tongues
‘so ready to utter your dutiful Affections, and
‘your Hands and Feet so bent to concur in the
‘Execution thereof, (for which as I need not to
‘spur you, so can I not but praise you for the
‘same) As it may very well be possible, that the
‘Zeal of your Hearts shall make some of you
‘in your Speeches, rashly to blame such as may
‘be innocent of this Attempt. But upon the
‘other Part I wish you to consider, that I would
‘be sorry that any being innocent of this Practice,
‘either domestical or foreign, should receive Blame
‘or Harm for the same. For although it cannot
‘be denied, That it was the only blind Super-
‘stition of their Errors in Religion, that led them
‘to this desperate Device ; yet do it not follow,
‘That all professing that *Romish* Religion were
‘guilty of the same. For as it is true, That no
‘other Sect of Hereticks, not excepting *Turk*,
‘*Jew*, nor *Pagan*, no not even those of *Calicute*
‘who adore the Devil, did ever maintain by the
‘Grounds of their Religion, That it was lawful,
‘or rather meritorious (as the *Romish* Catholicks
‘call it) to murder Princes or People for Quarrel
‘of Religion. And although particular Men of
‘all Professions of Religion have been some Thieves,
‘some Murtherers, some Traitors ; yet ever when
‘they came to their End and just Punishment, they
‘confessed their Fault to be in their Nature, and

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not in their Profession : (these *Romish* Catholicks only excepted) Yet it is true on the other Side, That many honest Men blinded, peradventure, with some Opinions of Popery, as if they be not found in the Questions of the *Real Presence*, or in the Number of the Sacraments, or some such School Question ; yet do they either not know, or at least, not believe all the true Grounds of Popery, which is, indeed, *The Mystery of Iniquity*, And therefore do we justly confess, that many Papists, especially our Fore-fathers, laying their only Trust upon *Christ* and his Merits at their last Breath, may be, and often-times are saved ; detesting in that Point, and thinking the Cruelty of *Puritans* worthy of Fire, that will admit no Salvation to any *Papist*. I therefore thus do conclude this Point ; That as upon the one Part many honest Men, seduced with some Errors of Popery, may yet remain good and faithful Subjects : So upon the other Part, none of those that truly know and believe the whole Grounds, and School Conclusions of their Doctrine, can ever prove either good Christians, or faithful Subjects. And for the Part of foreign Princes and States, I may so much the more acquit them and their Ministers, of their Knowledge and Consent to any such Villainy ; as I may justly say, that in that Point I better know all Christian Kings by my self, that no King nor Prince of Honour will ever abate himself so much, as to think a good Thought of so base and dishonourable a Treachery : Wishing you therefore, that as God hath given me an happy Peace and Amity, with all other Christian Princes my Neighbours ; (as was even now very gravely told you by my Lord Chancellor) that so you will reverently judge and speak of them in this Case. And for my Part I would wish with those ancient Philosophers, that there were a Crystal Window in my Breast, wherein all my People might see the secretest Thoughts of my Heart ;

for

for then might you all see no Alteration in my An. 3 James I.
 Mind for this Accident, further than in those 1605,
 two Points, The First, Caution and Wariness
 in Government, to discover and search out the
 Mysteries of this Wickedness as far as may be :
 The other, after due Trial, Severity of Punish-
 ment upon those that may be found guilty of
 so detestable and unheard-of Villany. And now
 in this Matter, if I have troubled your Ears
 with an abrupt Speech, undigested in any good
 Method or Order ; you have to consider that an
 abrupt, and unadvised Speech doth best become
 the Relation of so abrupt and unorderly an Ac-
 cident.

And although I have ordained Proroguing of
 this Parliament until after *Christmas*, upon two
 necessary Respects : Whereof the first is, That
 neither I nor my Council can have Leisure, at
 this Time, both to take Order, for the Apprehen-
 sion and Trial of these Conspirators, and also to
 wait upon the daily Affairs of the Parliament,
 as the Council must do : And the other Rea-
 son is, the Necessity, at this Time, of divers of
 your Presences in your Shires that have Charges
 of Commandments there. For as these Wretches
 thought to have blown up in a Manner the
 whole World of this Island ; every Man being
 now come up here, either for publick Causes
 of Parliament, or else for their own private
 Causes in Law, or otherwise : So these Rebels
 that now wander through the Country, could
 never have gotten so fit a Time of Safety in
 their Passage, or whatsoever unlawful Actions,
 as now when the Country by the aforesaid Oc-
 casion is in a Manner left desolate, and waste
 unto them. Besides that, It may be that I
 shall desire you at your next Session, to take
 upon you the Judgment of this Crime : For
 as so extraordinary a Fact deserves extraordi-
 nary Judgment ; so can there not I think (fol-
 lowing even their own Rule) be a fitter Judg-
 ment for them, than they should be measured

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‘ with the same Measure wherewith they thought
‘ to measure us; and that the same Place and
‘ Persons, whom they thought to destroy, should
‘ be the just Avengers of their so unnatural a
‘ Parricide: Yet not knowing that I will have
‘ Occasion to meet with you, myself, in this
‘ Place, at the Beginning of the next Session of
‘ this Parliament; (because if it had not been
‘ for delivering of the Articles agreed upon by
‘ the Commissioners of the Union, which was
‘ thought most convenient to be done in my
‘ Prefence, where both Head and Members of
‘ the Parliament were met together, my Prefence
‘ had not otherwise been requisite here at this
‘ Time) I have therefore thought good for Con-
‘ clusion of this Meeting, to discourse to you
‘ somewhat anent the true Nature and Definition
‘ of a Parliament; which I will remit to your
‘ Memories, till your next Sitting down, that
‘ you may then make use of it as Occasion shall
‘ be ministred.’

‘ For albeit, it be true, that at the first Ses-
‘ sion of my first Parliament, which was not
‘ long after mine Entry into this Kingdom; it
‘ could not become me to inform you of any
‘ Thing belonging to Law or State here; (for all
‘ Knowledge must either be infused or acquired,
‘ and seeing the former Sort thereof is now, with
‘ Prophecie, ceased in the World; it could not
‘ be possible for me, at my first Entry here, before
‘ Experience had taught it me, to be able to un-
‘ derstand the particular Mysteries of this State)
‘ yet now that I have reigned almost three Years
‘ amongst you, and have been careful to observe
‘ those Things that belong to the Office of a
‘ King; albeit, that Time be but a short Time
‘ for Experience in others; yet in a King may
‘ it be thought a reasonable long Time, especially
‘ in me, who, although I be but in a Manner
‘ a new King here, yet have been long acquainted
‘ with the Office of a King in such another King-
‘ dom, as doth nearest of all others agree with
‘ the

‘ the Laws and Customs of this State. Remit-
 ‘ ting to your Consideration, to judge of that
 ‘ which hath been concluded by the Commissioners
 ‘ of the Union, wherein I am at this Time to
 ‘ signify unto you, That as I can bear Witness to
 ‘ the aforesaid Commissioners, that they have not
 ‘ agreed nor concluded therein any Thing, where-
 ‘ in they have not foreseen as well the Weal and
 ‘ Commodity of the one Country, as of the other;
 ‘ so can they all bear me Record, that I was so
 ‘ far from pressing them to agree to any Thing,
 ‘ which might bring with it any Prejudice to this
 ‘ People; as by the Contrary I did ever ad-
 ‘ monish them, never to conclude upon any such
 ‘ Union, as might carry Hurt or Grudge with
 ‘ it to either of the said Nations: For the Leav-
 ‘ ing of any such Thing, could not but be the
 ‘ greatest Hindrance that might be to such an
 ‘ Action, which God by the Laws of Nature had
 ‘ provided to be in his own Time, and hath now
 ‘ in Effect perfected in my Person; to which Pur-
 ‘ pose my Lord Chancellor hath better spoken,
 ‘ than I am able to relate.

‘ And as to the Nature of this High Court of
 ‘ Parliament, it is nothing else but the King’s
 ‘ great Council; which the King doth assemble
 ‘ either upon occasion of interpreting, or abrogat-
 ‘ ing old Laws, or making of new, according as
 ‘ ill Manners shall deserve, or for the publick
 ‘ Punishment of notorious Evil-doers, or the Praise
 ‘ and Reward of the Virtuous and Well-deservers;
 ‘ wherein these four Things are to be considered.

‘ First, whereof this Court is composed.

‘ Secondly, what Matters are proper for it.

‘ Thirdly, to what End it is ordained.

‘ And Fourthly, what are the Means and
 ‘ Ways whereby this End should be brought to
 ‘ pass.

‘ As for the Thing itself, it is composed of a
 ‘ Head and a Body: The Head is the King, the
 ‘ Body are the Members of the Parliament. This
 ‘ Body again is subdivided into two Parts; the
 ‘ Upper

Ann. 3 James I.
1604.

Upper and Lower House; The Upper compounded partly of Nobility, Temporal Men, who are heretable Counsellors to the High Court of Parliament, by the Honour of their Creation and Lands; And partly of Bishops, Spiritual Men, who are likewise by the Virtue of their Place and Dignity Counsellors, Life-Renters, or *Ad Vitam* of this Court. The other House is composed of Knights of the Shire; and Gentry, and Burgeses for the Towns. But because the Number would be infinite for all the Gentlemen and Burgeses to be present at every Parliament, therefore a certain Number is selected and chosen out of that great Body, serving only for that Parliament, where their Persons are the Representation of that Body.

Now the Matters whereof they are to treat ought therefore to be general, and rather of such Matters as cannot well be performed without the assembling of that general Body; and no more of these Generals neither, than Necessity shall require: For as *In corruptissima Republica sunt plurima Leges*: So doth the Life and Strength of the Law consist not in heaping up infinite and confused Numbers of Laws, but in the right Interpretation and good Execution of good and wholesome Laws. If this be so then, neither is this a Place on the one Side, for every rash and harebrained Fellow to propound new Laws of his own Invention: Nay, rather could I wish these busy Heads to remember that Law of the *Lacedaemonians*, That whosoever came to propound a new Law to the People, behoved publickly to present himself with a Rope about his Neck, that, in case the Law were not allowed, he should be hanged therewith. So wary should Men be of proposing Novelties, but most of all not to propound any bitter or seditious Laws, which can produce nothing but Grudges and Discontentment between the Prince and his People: Nor yet is it on the other Side, a convenient Place for private Men under the Colour
of

of general Laws, to propone nothing but their
own particular Gain, either to the Hurt of their
private Neighbours, or to the Hurt of the whole
State in general; which many Times, under fair
and pleasing Titles, are smoothly passed over,
and so by Stealth procured, without Consideration
that the private Meaning of them tendeth to no-
thing but either to the Wreck of a particular
Party, or else under Colour of publick Benefit
to pill the poor People, and serve as it were for
a general Impost upon them for filling the Purfes
of some private Persons.

And so the End for which the Parliament is
ordained, being only for the Advancement of
God's Glory, and the Establishment and Wealth
of the King and his People: It is no Place then
for particular Men to utter there their private
Conceits, nor for Satisfaction of their Curiosi-
ties, and least of all to make Shew of their Elo-
quence by tyning the Time with long studied
and eloquent Orations. No, the Reverence of
God, their King, and their Country being well
settled in their Hearts, will make them ashamed
of such Toys; and remember that they are there
as sworn Counsellors to their King, to give their
best Advice for the Furtherance of his Service,
and the flourishing Weal of his Estate.

And lastly, if you will rightly consider the
Means and Ways how to bring all your Labours
to a good End; you must remember, that you
are here assembled by your lawful King to give
him your best Advices, in the Matters proposed
by him unto you, being of that Nature, which
I have already told, wherein you are gravely to
deliberate, and, upon your Consciences, plainly
to determine how far those Things propounded
do agree with the Weal, both of your King and
of your Country, whose Weals cannot be sepa-
rated. And as for myself, the World shall ever
bear me Witness, that I never shall propone any
Thing unto you, which shall not as well tend
to

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1605.

‘ to the Weal Publick, as to any Benefit for me:
‘ So shall I ever oppone myself to that, which may
‘ not tend to the Good of the Common-Wealth,
‘ for the which I am ordained, as I have often
‘ said. And as you are to give your Advice in
‘ such Things as shall by your King be proposed;
‘ So is it on your Part your Duties to propone any
‘ Thing that you can, after mature Deliberation,
‘ judge to be needful, either for those Ends already
‘ spoken of, or otherwise for the Discovery of any
‘ latent Evil in the Kingdom, which peradven-
‘ ture may not have come to the King’s Ear.
‘ If this then ought to be your grave Manner of
‘ proceeding in this Place, Men should be ashamed
‘ to make Shew of the Quickness of their Wits
‘ here, either in taunting, scoffing, or detracting
‘ the Prince or State in any Point, or yet in break-
‘ ing Jest upon their Fellows, for which the Or-
‘ dinaries or Alehouses are fitter Places, than this
‘ Honourable and High Court of Parliament.

‘ In Conclusion then, since you are to break
‘ up, for the Reasons I have already told you, I
‘ wish such of you as have any Charges in your
‘ Countries, to hasten you Home for the Repres-
‘ sing of the Insolencies of these Rebels, and Ap-
‘ prehension of their Persons; wherein as I heartily
‘ pray to the Almighty for your prosperous Suc-
‘ cess, so do I not doubt, but we shall shortly
‘ hear the good News of the same; and that you
‘ shall have an happy Return, and Meeting here
‘ to all our Comforts.’

Here the Lord Chancellor spake touching the
proroguing of the Parliament. And having
done, his Majesty rose again, and said,

‘ Since it pleased God to grant me two such
‘ notable Deliveries upon one Day of the Week,
‘ which was *Tuesday*, and likewise one Day of
‘ the Month, which was the Fifth; thereby to
‘ teach me, That as it was the same Devil that
‘ still persecuted me; so it was the same God
‘ that still mightily delivered me: I thought it
‘ therefore

therefore not amiss, that the one and twentieth Day of *January*, which falls to be upon *Tuesday*, should be the Day of Meeting of this next Session of Parliament, hoping and assuring myself, that the same God, who hath now granted me and you all so gracious and notable a Delivery, shall prosper all our Affairs at that next Session, and bring them to an happy Conclusion. And now I consider God hath well provided it that the Ending of this Parliament hath been so long continued; For as for my own Part, I never had any other Intention, but only to seek so far my Weal and Prosperity, as might conjunctly stand with the flourishing State of the whole Common-Wealth, as I have often told you: So on the other Part I confess, if I had been in your Places at the Beginning of this Parliament, (which was so soon after mine Entry into this Kingdom, wherein ye could not possibly have so perfect a Knowledge of mine Inclination, as Experience since hath taught you) I could not but have suspected, and mis-interpreted divers Things; in the trying whereof, now I hope, by your Experience of my Behaviour and Form of Government, you are well enough cleared, and resolved.

An. 3 James I.
1623. 0

It seems as if the Parliament met, at this Time, only to have the foregoing Declarations made to them, by the King and the Lord Chancellor; for they were instantly prorogued to the 2d of *January*, following; and from thence to the 21st of the same Month.

The Parliament
prorogued.

On which last mentioned Day, the Lords being met, a Motion was made by the Archbishop of *Canterbury* (s), 'That a Committee might be appointed to consider the Laws already in Force, that tend to the Preservation of Religion, his Majesty, the State and Common-Wealth. What Defects are in the Execution of them, or what new Laws may be thought needful.' This Motion being seconded

They meet again,
and consider of
the Laws against
Recusants.

(i) Richard Bancroft, *Le Neve's Fasti Ecc. Ang.*

An. 3 James I. 1605. seconded by the Bishop of *London* (†), followed by Cecil Earl of *Salisbury*, a Committee was immediately appointed for that Purpose.

The Lord Chancellor gave Direction to the Clerk of Parliament, to take special Notice of the Names of such Lords as should fail in their Appearance this Session of Parliament; having no License from his Majesty for their Absence. This was done, no doubt, because some of the Peers were then suspected to be concerned in the late Plot; and some were taken up for it afterwards, as will appear in the Sequel.—A Bill was also read a first Time, *For preserving and restoring to the Crown the true and ancient Royalties appertaining to the same.*—In the Commons, we find, that the Business of the *Popish* Plot was the first thing, also, that they went upon. Jan. 21st, Sir *George Moore* made a Motion, out of a deep Sense of the late Conspiracy; the like whereof, he said, never came upon the Stage of the World.-----Other broken Hints of this Speech are thus entered.-----No Hour too soon for such a Motion.-----Encouragement to *Papists*, Impunity and Delay.-----*Homines qui ex Fraude, Fallacia, Mendaciis, consistere videbantur.*-----*Tantumne Religio potuit suadere Malorum?*-----To enter into Consideration, what Course may be fittest to settle the Safety of the King, and prevent the Danger of *Papistical* Practices.-----

This Speech was seconded by Sir *Francis Hastings*; he spoke of three Duties:-----To God, and the King, to God and ourselves.-----Offered four others to Consideration:-----The Plot, the Carriage of the Plot, the Discovery, and the Deliverance.-----Plot, popish, dangerous, and desperate.

Afterwards, the Solicitor General said, That a Word, in Time, was like Apples of Gold furnished with Pictures of Silver.-----That these State-Monks had got a new Divinity.-----It was lawful for them to lie, to dissemble before a Magistrate, to kill an Heretick.---

The

(†) *Richard Vaughan, Le Neve's Fasti Ecc. Ang.*

The Result of all was, 'That a large Committee was appointed to consider of some Course, for the timely and severe Proceedings against *Jesuits, Seminaries*, and all other *popish* Agents and Practisers; and for the preventing and suppressing all their Plots and Practices.'

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To go through each Days Proceedings in both *Journals*, would be too tedious.----We shall only cull out of them the most remarkable Instances, and which are historical enough for our Purpose. The *Popish* Plot was the thing most at Heart; and this Parliament laboured to fix some indelible Mark of their Resentment on such an infamous Intention. Several Conspirators had now been taken, some others were killed in endeavouring to make their Escape; and we are told by the Writer of this Reign, (though it is not mentioned in the *Journals*) that the Earl of *Northumberland*, *Henry Lord Mordaunt*, and *Edward Lord Stourton*, three *Popish* Lords, being suspected to have Knowledge of this Conspiracy, were all committed to the *Tower*. One great Cause of the Suspicion, was, their not coming to Parliament according to Summons; but, nothing more being proved against them, after some Imprisonment, the two Barons were released, by Fine in the *Star-Chamber*; but the Earl continued a Prisoner there for many Years after (u).

Several Peers apprehended on Account of the Plot.

These were all the Noblemen that were suspected; as for the inferior Sort, they were tried and condemned at Common Law: But before their Execution was awarded, the Parliament thinking the ordinary Punishment too light for the Offence, the Lords appointed a Committee to consider what Punishments extraordinary were fit to be ordained for these Offenders. They had made some Progress in this Matter, when the Archbishop of *Canterbury*, the first of the said Committee, though it was an Affair of Blood, reported to the House, 'That having asked the Opinion of the Lord Chief Justice of *England* in that Matter; and being

Debate on the Manner of punishing the Plotters.

(u) *Wilson in Kennet*, p. 676.

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being informed by him that the Execution of the said Traitors might not conveniently be deferred; the Committee had forborn any further Proceeding therein.'

The House of Commons were no less anxious : For on the 25th of *January*, Sir *Thomas Holcroft* put the House in Mind, That *Richard II.* built a wooden House, and there the King and Parliament sat when Offenders were judged. This tended to have the Miners, in the late Plot, tried in the same Manner; which, he said, was not without Precedent; and therefore desired that the King might be petitioned about it.-----Sir *Robert Wingfield* moved for a Form of Punishment equal to the Greatness of the Fact. He said, the Scripture had Examples of extraordinary Punishments for extraordinary Offences. And moved, That a short Act might be made for the Punishment of the Miners; and some extraordinary Punishment set down in it. But no Petition to the King about it, for he was so compounded of Mercy and Pity, that he will deny it.-----Sir *Robert Higham* argued against these Motions, and said, That the Common Law should have its Proceeding first, and then this Court might add a Confirmation of it.-----Mr. *Fuller*, on the same Side, moved, That all the House might be present and hear the Arraignment; and that, afterwards, a Law might be made for the Punishment, the Judgment being respited.---The Speaker said, That those who were already dead were to be attainted by the House, and Evidence against them given at the Bar; for the rest a Confirmation of the Attainders was sufficient.-----Mr. *Wiseman* moved, That the House might be present at the Trials and Places provided for them; and that Judgment should be respited; afterwards, they might think of a Judgment in the House, their Consciences being informed by the Hearing.-----Mr. Solicitor was against petitioning for Stay of Judgment; and observed, That there was no Precedent when one Commission and Court had heard Allegations, that another should interpose themselves

elves to stop Judgment.-----Lastly, Sir Robert An. 3 James I.
Litton told the House, That the Interest the Par- 1605.
 liament had in this Affair, made them no compe-
 tent Judges of it.-----Upon the whole, the Ques-
 tion was put, Whether to petition the King that
 Judgment might be stayed after Trial? It was re-
 solved in the Negative.

However, to do something in the Matter, the
 Commons framed, read, and passed a Bill, and sent
 it up to the House of Lords, on the 25th of Ja-
 nuary, intituled, *An Act for appointing a Thanksgiv- Act for an an-
 ing to Almighty God, every Year, on the 5th of No- nual Thanksgiv-
 vember.* The Messengers which brought this Bill ing on the 5th
 up to the Lords told them, 'That the whole Body of November.
 ' of the Commons, having entered into Confide-
 ' ration of the great Blessing of God, in the hap-
 ' py Preservation of his Majesty and the State,
 ' from the late most dangerous Treason, intended
 ' to have been attempted, by the Instigation of
 ' *Jesuits, Seminaries, and Romish Priests*; had fram-
 ' ed and passed the said Bill, in their House, as
 ' the First-Fruits of their Labours, in this Session
 ' of Parliament; which they did, very earnestly,
 ' recommend to their Lordships.' The Lords re-
 turned the Compliment, by reading and passing the
 Bill in three Days, without ever going into a Com-
 mittee about it. And this Act stands the first in
 the printed Statutes of this Session of Parliament.

Both Houses passed another Bill for the *Attainder For attainting
 of the Offenders in the late Treason*, whose Names the Plotters.
 are too inconsiderable for this History, and may
 be seen in the Act itself: The Lords next proceed-
 ed to consider the Motion made by the Archbishop
 of *Canterbury*, on the first Day of this Session,
 concerning the Laws already in Force against
Papists, &c. And accordingly, we find that *Febru-
 ary* 1st, he made a Report to the House of what
 had been done in that Committee; and then pre-
 sented a short Note, containing the Heads of the
 said Laws now in Being.

The next Day, the Lords being informed that
 the Commons were upon a Bill to the same Pur-
 Vol. V. K pose,

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1605.

And another a-
gainst Popish Re-
cusants.

A Bill from the
Commons, relat-
ing to Purvey-
ance.

pose, and that they were ready to bring it up to their House; they sent a Message to them, to desire a Conference. This Proposal was accepted of; and several Meetings of the Committees of both Houses were had about it; the Result of all was, the passing two new Acts, one intituled, *An Act for discovering and repressing of Popish Recusants*; and the other called, *An Act to prevent and avoid Dangers which may grow by Popish Recusants*. These Statutes, which are yet in Force, are so well known, that they need no farther Explanation (*).

We have some Notice given us in the *Journals* of the Upper House, of a Supply to be granted this Session; by a Message sent from the Commons to the Lords, on the 12th of *February*; importing, 'That they had received Signification, with much Joy, by their Speaker, of his Majesty's gracious Acceptation of their humble Offer, in Matter of *Subsidies*; and withal, that his Majesty is well pleased that Consideration may be had of the Grievances arising by *Purveyance*. They therefore proposed a Conference, by Committees of both Houses, to consider of these two weighty Articles.'

This Request was assented to by the Lords, and a Time appointed for the Conference: But, we hear no more of the *Supply* till near the End of this Session. The other Business concerning the King's *Purveyors*, was an ancient Branch of the Royal Prerogative; and therefore was to be tenderly dealt with: Many Conferences were held about it, between the two Houses; at last a Bill was passed by the Commons, and sent up, intituled, *An Act for the better Execution of sundry Statutes touching Purveyors and Cart-Takers*. On the second Reading of which by the Lords, it was committed; but, on a Motion of the Lord Treasurer, it was agreed, by that House, 'That the Judges and the King's learned Counsel, who were ordered to attend the Committee, should consider before-hand of the said Bill of Purveyors, for the better Information of their Lordships at the Meeting of the Committee.'

(*) *Statutes at large, An. 3 Jac. I. Cap. IV, V.*

mittee.' April the 10th, the Archbishop of *Can-* An. 3 James I.
terbury reported from thence, that the Attorney-Ge- 1603.
neral had made it appear to the Committee, that the
Bill was very defective and inconvenient; where-
upon it was agreed to proceed no farther therein.

But, we find that the Commons were not wil- Which, being
ling to let the Matter drop so easily; for, before this dropped by the
Session was ended, they had prepared a new Bill to Lords, they send
the same Purpose as the former, which passed their up another to the
House and was sent up to the Lords. Upon this, same Purport.
a long Debate ensued, and the Question being put,
Whether the said second Bill might, by Order of
the House, be admitted, the former having been re-
jected? it was carried in the Negative; and a *Me-*
morandum was entered by Order of the Lords, as
a general Direction, for the future.

The Business of a Supply was moved for in the Proceedings of
House of Commons February 10th, by Sir *Thomas* the Supply,
Ridgeway; the broken Hints of whose Speech, in
their *Journals*, may be thus connected. 'He
much exaggerated the Blessings they enjoyed un-
der the present Government; and yet the King
had been at great Charge to sustain it. For though,
says he, we have *Pacem externam & internam*;
yet, the Funeral of the late Queen, the Entrance
of his present Majesty into this Kingdom, with
that of the Queen and Prince, all at different
Times; the Entertainment of foreign Embassa-
dors; the Mass of Treasure which had been
exhausted in *Ireland*; her Majesty's Lying-in; the
great Charge of the Household; with the Largeesses,
or Rewards, which had been bestowed on particu-
lar Persons, of both Nations, had much improve-
rished the King's Treasury (y). The Common-
Wealth was obliged to lighten this Burden; as
Moses said, *How can he alone bear their Strifes and*

K 2

Incum-

(y) The different Sums of these Expences are thus given us, in
the *Commons Journals*, viz.

The late Queen's Debts,	_____	400,000 l.
The King, Queen, and Prince's Entrance.	_____	10,000 l.
The late Queen's Funeral.	_____	20,000 l.
Coronation of the King and Queen.	_____	20,000 l.
Gifts to Embassadors, &c.	_____	40,000 l.
Expences in <i>Ireland</i> for four Years, <i>per Annum</i> .	_____	350,000 l.

An. 3 James I. 1605. *Incumbrances, &c.* Lastly, he added, That whatever the Offer was from his Subjects, the King would say *sufficit* to it; and therefore moved that a Committee might be immediately appointed to draw up a Bill for a Supply.

This Motion was seconded by Sir *Maurice Berkley*; and, afterwards by Sir *Edward Montague*, who begun with urging two Duties: Fear God and honour the King. That we owe him Love, Reverence, Obedience, and Thankfulness for his Truth and Justice. That the Freedom of the Gift ought to be equal to the Greatness of the Givers; and that it should be speedy and chearful. Lastly, his Motion was for two *Subsidies* and four *Fifteenths*; two of which were to be paid at *Easter*, and a *Subsidy* at *Michaelmas*.-----Mr. *Bond* began with enumerating the many Benefits they reaped by his Majesty's Reign. That of a weak, feeble and breathless State, it was become the most opulent, rich and mighty Empire of any in *Christendom*. That we owed *Animam Deo, Corpus Regi*, who was *non Subsidium tantum, sed Præsidium*, in Time of Peace. That they ought to fill the King's Coffers first, and make him *Fidus Depositarius*.-----Sir *William Stroud*, Sir *Henry Poole*, and Sir *Nathanael Bacon*, spoke for a Supply; the last urged that some Consideration ought to be had in the *Fifteenths*; fewer of these and more *Subsidies* granted, because *Subsidies* were less in Value than formerly.-----Sir *Francis Hastings* said, That they ought to offer Love for Love. Therefore he was for two *Subsidies* and four *Fifteenths*. *Amor Civium Regi inexpugnabile Munimentum*. That Peace was not hereditary; and we ought to provide before-hand. The Strength of the King's Hands was the Hearts of his People. *Ad omnem Eventum*, to give; and that *Qui cito dat, bis dat*.

There are more short Hints of Arguments used for granting a Supply, by several other Members; in which there were only two, Sir *George Moore*, and Sir *Edwin Sandys*, that were for moderating the first Proposal. The former said, That *citra*

et

An. 3 James I.
1605.

et ultra; there were Bounds in all Things: *Malus Miles qui Imperatorem suum gemens sequitur.* The other, urged this Adage; *Largire de te, Fili*; give of your own, Son; the Poverty of the Land ought to be considered, and as much eased as may be.--- Upon the whole a grand Committee was resolved on, and appointed to consider of a Bill for a Supply, and whether it should be for two *Subsidies* and four *Fifteenths*, or not.

The next Day, February 11th, the Speaker informed the House, ' That he had been sent for to the King, who told him that he had been made acquainted with the Proceeding of the House in regard to the Supply; and takes more Joy in the Manner, than if the Value of ten Times as much had fallen unto him by any other Accident, That the King had three Causes for his Acceptance of it. 1. Because it is done out of Love, and without Demand. 2. For the Concurrence in Speech, and Votes amongst them; *in eodem Sensu*; alike Thanks for both. A Discom- may to the Opposites. 3. For, that it was done in a more speedy Manner than ever heretofore. That he would charge and change the Property of his own Estate; and would expose his Person to Danger for their Good. That no Man was more sensible of it, either in that House or in the Common-Wealth; and, lastly, desired that a Committee might be named to make Demands and Propositions.' But more of this in the Sequel.

Some Ecclesiastical Affairs happened in this Session worth our Notice. April the First, the Archbishop of Canterbury acquainted the Lords, ' That his Majesty had given him Direction to let them understand he was informed of great Abuses concerning Excommunication, granted by Ecclesiastical Officers, very often upon trivial Matters. And tho' Contempts generally, of great or less Quality, be punishable by the Laws of the Realm, according to their several Natures; yet, considering Excommunication is the greatest Censure that can be

The King's Message relating to Abuses in Excommunication.

An. 3 James I.
1603.

given, his Majesty holds the same unfit to be used but in great Matters. Therefore, altho' his Majesty doth desire that the said Jurisdiction Ecclesiastical may be maintained and upholden, in all Respects, as is fit; yet, to remedy this Inconvenience, it was his Majesty's Desire that a Bill might be framed for that Purpose.' The House immediately ordered that some of the Judges, and learned Civilians, should attend the Archbishop, to consider of a Project for drawing a Bill concerning the said Matter of Excommunication.

It is not unlikely but the Archbishop was informed, that the House of Commons, who were always ready to clip the Wings of the Church, were, at the same Time, upon the like Project; and therefore was not willing that the Honour of this Reformation should rest upon that House. For we find, that *April* the 5th, a Message was sent by that Body, to the Lords, to desire a Conference with them touching Matters Ecclesiastical. The Answer was, 'That altho' the Lords were willing to grant their Request, yet, for that their Proposition was very general, they desired to know the Particulars of it, that they might be the better prepared for the Conference.' On which the Commons returned Answer, 'That the Causes whereon they desired Conference were four, *viz.*

The Commons propose a farther Reformation in Ecclesiastical Matters.

1. The Silencing of Ministers.
2. The Multiplicity of Ecclesiastical Commissions.
3. The Manner of Citations. And
4. The Point of Excommunication.

Hereupon, a great Debate arising, whether they should agree to such a Conference, or not? the farther Resolution therein was deferred till the next Day.

The old Topic of *Prerogative Royal*, which this King was as zealous to maintain as any of his Predecessors, was surely the Reason why this Business moved so slowly in the House of Lords. The Commons, who were ever jealous of the Ecclesiastics, therefore pressed this Conference strongly. At last,

last, on the 8th of *April*, an Answer was sent to An. 3 James T.
the Commons, importing, 'That the Lords, hav- 1605.
ing deliberately considered of the Commons Mes-
sage about a Conference on the four Ecclesiastical
Points they sent them, had agreed to the same and
appointed a Committee accordingly.' Answer was
immediately returned from the Lower House,
'That they gave most hearty Thanks to their
Lordships, for having, with such Alacrity, signi-
fied their Consent for this Conference; and that
they would most readily join with them, and im-
part the Grievances occurring in these Ecclesiasti-
cal Matters. But that they cannot give a Meeting,
either of this Day or the next; because they had
appointed other special Business on those Days, for
his Majesty's Service, which was to go upon the Bill
of *Subsidy*, and a Call of their House. Whereupon
the 14th of *April* was appointed for that Purpose.'

The same Day that the former Resolution was
taken, the Lord Chancellor delivered a Message
from the King to this Effect; 'That his Majesty
'having received Knowledge of the discreet and
'respectful Proceedings of their Lordships, con-
'cerning the Conference required by the other
'House, touching Matters *Ecclesiastical*, had com-
'manded him to signify to them his most gracious
'Acceptance of the same. With Thanks and
'Acknowledgment of his Love and good Will;
'to all the Lords in general, for their Regard to
'his *Prerogative*: And therein, as well those
'who were willing to yield to the Conference, as
'those that were against it. For that his Majesty
'did observe on either Part, Arguments of equal
'Love and Duty towards him, for the Preserva-
'tion of the said *Prerogative*; of which he would
'ever retain a grateful Remembrance.'

The Business of the Conference between both
Houses was now proceeded in. Accordingly, on
the 17th of *April*, the Archbishop acquainted the
House that several Bishops had been chosen to ma-
nage that Conference; of whom, 1. Touching
the Silencing of Ministers, was to be spoken to by

An. 3 James I.
1605.

himself. 2. Concerning the Multiplicity of Commis-
sions, by the Bishops of *Winchester* (z) and *Exeter* (a).
3. Touching Citations, by the Bishops of *Bath*
and *Wells* (b), *Carlisle* (c), and *Ely* (d). 4. And Ex-
communication, by the Bishops of *St. David's* (e),
and *Hereford* (f). Liberty was also reserved for the
Archbishop to speak to any Points as he thought
fit, as well as to that allotted to him. Where-
upon, the House came to a Resolution that some
Answer should be made to the Commons as that
Day, but it was not intended or expected that they
should be informed whether the Lords would join
or not join in a Petition with the Lower House;
but only that the Bishops should speak to the four
Points, and leave the other, of Petition, to be
determined by the whole House, with Reserve
still of Reply to any of the Points aforesaid.

This cautious Proceeding of the Lords shews
plainly how unwilling they were to touch upon
the *Royal Prerogative*, in *Ecclesiastical* Matters;
which the late Queen always guarded with her
utmost Care and Circumspection. We are left in
the Dark as to what was done or said at these Con-
ferences, which were several; only, that the
Bishops who were Managers, made their Report
to the House, that they had debated the four
Points; and the whole Result was, that a Bill was
brought in and passed into a Law, touching a Re-
straint of Excommunications in Ecclesiastical
Courts.----This had been proposed by the Arch-
bishop of *Canterbury* to the Lords, at the King's
Desire, as before taken Notice of: But as to the
other three Points of Reformation, on which the
Commons had desired a Conference, Nothing was
done about them.

Tho' the Matter of *Subsidies* hath been once or
twice mentioned already, in the Proceedings of this
Session, it was not till the 15th of May, that a
Bill

(a) Thomas Bilson.
(z) William Cotton.
(b) John Still.
(c) Henry Robinson.

(d) Martin Hagen.
(e) Anthony Rudd.
(f) Robert Bennet.

Le Neve.

Bill was sent up from the Commons for a Grant of three entire *Subsidies* and six *Fifteenths* from the Temporality; at the same Time was returned as passed, another Bill for a Confirmation of four *Subsidies* of four Shillings in the Pound from the Clergy. The former Bill passed the Lords in two Days; but moved very heavily through the Commons; partly owing to the Disappointment they had met with from the Lords in the Matter of Conference; and partly, as may be supposed, on Account of the Weight of the Grant. The Reader may call to Mind, the first Proposal was only for two *Subsidies* and four *Fifteenths*; but, on the 25th of *March*, the Speaker (after delivering a Message from the King to the House, how kindly he took that Offer, looking upon it as a great Argument of their Love to him) made a Motion, Whether any more should be given? And it was resolved in the Affirmative. The Speaker told the House, 'That his Majesty bid them call to Mind, that in the late Queen's Time many great Aids were given; and that she was never driven to break her Word but once. That he had lately several Loans freely made him, for which he stands engaged; and therefore desired that the Money might be paid in such Time that his Promise may be kept.'

On this, a long Debate ensued in the House. Debate on the Subsidy. The Courtiers argued that the King's Debts were to the Value of 500,000*l.* a pressing Debt; and that the whole Sum of their former Gift amounted to no more than 400,000*l.* That the first Payments of the Subsidies ought to be quick, in order to answer the Necessities of the State. *Necessarium Beneficium, lente datum, simile est Pani Lapidoso.* Not to lose the Thanks of their Gift by the Difference of a few Months in the Payment. That three or four hundred Horse cost maintaining as much as three or four Subsidies come to; reckoning each Horse 30*l.* and each Horseman 40*s.* With more to the same Purpose.

The Arguments used against granting so much were but few; one said, There was never an Ex-

Ans. 3 James I.
1605.

ample of two *Subsidies* in Time of Peace. To which it was answered, That these were *Subsidies* of War, for the late Queen's Debts were for War; therefore what was granted now was for War. Upon the whole, the House divided on the Times of Payment, and it was carried by 121 against 113, for the first three Payments to be made in two Years.

April the 12th, a Bill for granting of three entire *Subsidies* and six *Fifteenths*, was read a first Time by the Commons. It laid a good while after this; and, in the mean Time, all Manner of *Grievances* was diligently sought for to be first redressed; inso-much that the King said, *They had sent an Oyes thro' the Nation to find them.* On the third Reading, May 9th, a Debate arose, begun by Sir *Anthony Cope*, Whether the List of *Grievances* ought not to be first read? And a Capitulation with the King about them. A special Order was also entered, That the *Subsidy-Bill* should not go up till the *Grievances* were ready to be presented to the King. Much Dispute, say the *Journals*, was, whether a Question should be made for the Reading of the *Subsidy-Bill*; but thought to be without Precedent and a very tender Question; therefore forbore; and, the House being at last satisfied in respect to the prior Order, the Bill was read a third Time and passed. On the 15th, it was sent up to the Lords by Mr. Secretary *Herbert*, attended by every Member of the House, not one Man left but the Speaker, Clerk, and Serjeant. *—* A Thing, adds the *Journals*, never seen before. The Bill was quickly dispatched in the House of Lords, being passed there, as is before mentioned, in two Days.

The Union resumed,

The Business of the Union betwixt the two Kingdoms was again resumed in this Session of Parliament. The House of Lords, by their Committee, had several Conferences with the other House about it. It was first of all debated whether it should be deferred till next Session; so little Struck had an *English* Parliament to this Affair. At last, a Bill was framed and brought in, intituled,
An

An Act declaratory, explaining a Branch of an Act made in the first Session of this Parliament, called, An Act for certain Commissioners of the Realm of England, to treat with the Commissioners of Scotland, for the Weal of both Kingdoms; which passed both Houses, but to as little Purpose as the former.

An. 3 James I.
1605.

This Session of Parliament lasted to the 27th Day of May, and a Multiplicity of Business was done in it. There were above one hundred Bills brought into both Houses; as appears by a Catalogue of them, in the Lords Journals, at the End of this Session. Many of them also passed into Laws, though there are but twenty-seven published in the printed Statutes. The most remarkable Acts we have already spoke of; and, on the Day abovementioned, the King came to the House of Lords, in the Afternoon, when the Speaker of the Commons, attended by that whole House, came up to the Bar. And, on presenting the Money-Bills, he made a Speech to the King to this Effect: for there are only these short Items of it to be found in the Journals.

First, 'He bestowed great Praises and Commendations on his Majesty, with Thanks to God for the Happiness the State enjoyed by giving them so gracious a King. He also returned Thanks to his Majesty for all his gracious Benefits, and particularly, for his last Act for a free and general Pardon. Withall making his humble Request to the King, that he would be pleased to give his Royal Assent to the Acts ready for that Purpose. Also, that he would pardon them, and himself, in any thing they had unwillingly and unwittingly offended.' The King made Answer himself, by some short Compliments on their Proceedings in this Session; and said, He had no Exceptions to any of the Bills but one. And, as a special Mark of Grace and Favour would pass them all, though it was a Matter, in former Times, very unusual to do it (a). Only he gave them

The Speaker's
Speech, and
King's Answer,
on presenting
the Subsidy Bill.

Admo-

(a) The late Queen refused the Royal Assent to 48 Bills passed both Houses, in one Session. See Vol. IV. p. 420.

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1605.

The Parliament
prorogued.

Admonition about one Act, for a Restitution in Blood of one *Rowland Merrick*; that they never should proceed in Parliament with any such like Act of Restitution, till the same was first signed by the King, and that then it ought to begin in the Higher House; of which his Majesty desired them to make a Memorial. After this, the Lord Chancellor, by Command, in another short Speech, prorogued this Parliament to the 18th Day of November following (b).

Thus this Session, which began in the greatest Terror and Consternation, ended in perfect Peace and Tranquillity. Though, during the sitting of it, another Rumour had been spread, that the King had been stabbed with a poisoned Knife, as he was hunting near *Windsor*. The *Continuator of Stowe's Chronicle* tells us (c), 'That when this terrible Rumour was brought to the House of Commons, the Members of it were in the utmost Consternation. The first Reports were various; some said the King was stabbed, others smothered in his Bed, or shot with a Pistol as he was riding. At the Hearing of which sad News, the whole House began seriously to debate what was best to be done. Some were for rising immediately, for Fear of a Surprise upon themselves; some one Way, some another; till, at last, it was agreed they should sit still, in their accustomed Manner; lest their sudden Rising should add more Terror both to Court, City, and Country: Continually sending out Messengers to the Lords of the Council for News. After two Hours waiting, in this dreadful Situation, positive Advice came that the King was in perfect Health and Safety, and that he would be at *Whitehall* in the Afternoon. Thus this Affair blew over, and the Fallacy of it had no other Effect than to hasten the Executions of the Persons taken

The Powder
Plotters executed.

(b) In this last Session of Parliament, an Act was first passed for carrying a Stream of fresh Water to the North Parts of the City of London, now called the New-River-Water.

(c) *Stowe's Chronicle*, p. 332.

taken and condemned for the *Powder-Plot*. For the Discovery of which, the King bestowed on the Lord *Monteagle*, 200*l.* *per Annum*, in Fee-Farm-Rents, to him and his Heirs for ever; and 500 *l.* Annuity, for his Life, as a Reward for that good Service (*d*).

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1605.

The Parliament met again, exactly, on the Day appointed by the last Prorogation; nothing material happening to the State in the Interval. This Session was opened by a Speech from the King, which is preserved in the *Journals* of the *Commons*, being thus introduced:----

Nov. 18

‘ After some Speech used by the Lord Chancellor, touching the King’s Presence, at that Time, being not usual :---The Manner of the Loan expected to be repaid :---The Matter of Grievances presented by the Commons in the preceding Session of Parliament :---His Highness began to speak to this Effect :’

‘ **A** *JOVE Principium*: About this Time twelve-
‘ months were we, that be now here assembled,
‘ assembled also in this Place, to give Thanks unto
‘ God for the great Deliverance, not of myself, but
‘ of you all, and of all the Body of the State, from
‘ that Treason, which was most terribly intended
‘ against us all; for which we are bound for ever to
‘ be thankful to God.---

The King’s
Speech at open-
ing the Session,
Anno Regni 4,
1606.
At Westminster.

And then proceeded, and said :

‘ That all Propositions, made in Parliament, were
‘ made in two Sorts; either by the King to his Sub-
‘ jects, or by the Subjects to the King. That in the
‘ last Sessions were Propositions of both Sorts; both
‘ concerning Matters of Government of the Com-
‘ monwealth, proceeding from the King, and Mat-
‘ ters of Grievance of the Commonwealth, which
‘ proceeded from the Subjects: And that himself
‘ would not be accounted one of those Kings, that
‘ would prefer any Propositions of his own before
‘ the

(*d*) *Wilson in Kennet*, p. 676.-----This Lord *Monteagle* was a Papist.

An. 4. James I. 1606. ' the Peoples just Complaints; nor one of those,
 ' that would not reform any ancient Grievances,
 ' before he would propose any new Consultations.
 ' For the Grievances themselves, he said, they were
 ' collected with more Industry, than lawful or dutiful
 ' Diligence; yet the Form, wherein they were
 ' penned, and wherewith they were presented, was
 ' so full of Discretion and Moderation, that he was
 ' loth his Answer should smell of the Spirit of
 ' *Roboam.*'

' But for the Matters of Grievance, they were
 ' such, as, if they were unlawful, ought to be re-
 ' formed; or, if they were lawful, and yet unlaw-
 ' fully used, and abused in Execution, the Abuse
 ' was to be reformed; or, if they were doubtful in
 ' Law, were fit to be referred to Trial and Judg-
 ' ment: Which Order and Distinction he had ob-
 ' served in all his Answers and Resolutions to every
 ' one of the several Grievances. Whereupon he
 ' observed, that it was not convenient for a Parlia-
 ' ment to present any, but apparent, publick, and
 ' just Causes of Grief; though his own Nature and
 ' Mind were ever prepared to relieve any private
 ' Complaint of any private Man, that might appear
 ' to be just.'

' But there is in Parliament (as there is in all
 ' Multitudes) Diversities of Spirits, as there was
 ' amongst the very Apostles themselves; and that
 ' some of them were more popular, than profitable,
 ' either for that Council, or for the Commonwealth;
 ' and that there were some Tribunes of the People,
 ' whose Mouths could not be stopped, either from
 ' the Matters of the Puritans, or of the Purvey-
 ' ance. But for himself, he would never make a
 ' Separation of the Peoples Will, and the Will of
 ' the Kings; and as for them, that would make any
 ' Scissure or Rupture, either of the Church, or of
 ' the Commonwealth, and therein were such Schis-
 ' matics, he ever esteemed Schismatics and Here-
 ' ticks subject to the same Curse.'

' But for his Part, he wondered, how the Griev-
 ' ance of the Purveyance should extend so far as the
 Bordets

‘ Borders; and professed, that all his Study and An-
 ‘ Care had continually been, to abolish this Griev-
 ‘ ance of Purveyance. Then he said, he would
 ‘ make one Admonition unto the Lower-House of
 ‘ Parliament; viz. That they ought to enter into a
 ‘ double Consideration of themselves: One, as they
 ‘ were Subjects in general; another, as they were
 ‘ specially called to be Counsellors of the Kingdom;
 ‘ and that the Thought of the one must not make
 ‘ them forget the Consideration of the other. That
 ‘ the Parliament was not so perpetual, but that they,
 ‘ being Subjects, were subject to an Account, as
 ‘ Kings themselves were; who, though they be
 ‘ exempt from any Censure, or Correction, upon
 ‘ the Earth, yet, after the Expiration of their Reigns
 ‘ and their Lives, must yield an Account to the
 ‘ eternal King: And therefore admonished them,
 ‘ to beware, that they were not like *Icarus*, the Son
 ‘ of *Dædalus*; that soared so near the Sun with his
 ‘ Wings of Wax, that his Wax melted, and his
 ‘ Wings failed, and down he fell: And therefore he
 ‘ would conclude, with *Neptune* in *Virgil*, *Sed*
 ‘ *motos præstat componere fluctus*; and wished, that
 ‘ they would know him, and observe him; and if
 ‘ that any such Plebeian Tribunes should incur any
 ‘ Offence, or commit any such Error, they would
 ‘ correct them for it; and judge themselves (as *St.*
 ‘ *Paul* saith) that they be not judged; and that the
 ‘ whole Body receive not a Wound by one ill Mem-
 ‘ ber thereof.’

‘ But the greatest and weightiest Matter of all is
 ‘ this Matter of the Union; wherein (he said) the
 ‘ Goodness of the Matter must supply his Want of
 ‘ Premeditation; for that, which he should say,
 ‘ must proceed out of some Inspiration, because he
 ‘ had so small a Time of Respiration to consider
 ‘ it; but that Gold did not need to be gilded,
 ‘ nor precious Stores any Ornament. He purposed
 ‘ no more, but to represent an Idea of the Incep-
 ‘ tion and Perfection of all he required in this Matter
 ‘ of Union; wherein he would first answer all
 ‘ Objections, that, by Men of humorous or malicious
 ‘ Minds,

An. 4 James I. 1606. ' Minds, were opposed against this Union: Secondly,
' he would shew the Motive of his Desire: Thirdly,
' the principal Heads of his Desire: And lastly,
' the End and Effect, the Fruit and Benefit of
' this Union.'

' The first Objection is, that there is no Necessity
' of an Union; and that therefore it is but superfluous:
' Whereunto he answered, and confessed, there is
' no Necessity to make an Union, for it is already
' made; but to knit and bind it, that it do not
' break into Flaws, and into Cracks, as a Contract
' is necessary unto Marriage: And that this Union
' was necessary, not *ad esse*, but *ad bene esse*; not
' to the very Essence, but to the firm Continuance
' of this Union and Marriage of both these King-
' doms; whereof the Creation or Constitution was
' not now required, but rather a Declaration and
' Confirmation.'

' The second Objection is a scornful Objection;
' that it is not so rich, or so wealthy, or so potent
' a Kingdom; but that the People are more impo-
' tent, and more poor: Whereunto (though it were
' such an Objection, as were more fit to be an-
' swered *Fustibus quam Rationibus*) he would an-
' swer them, that it was not his Purpose to de-
' prive *England* of it's Laws, nor of Goods, nor of
' Lands; but to lay *Scotland* subject to the Laws;
' and that, if they were determined, that the poor
' People of *England*, or the poor or barren Countries
' of *England*, should be no Part of *England*; then
' perhaps there were some Cause he should be better
' content, than *Scotland* should stand still divided and
' distinguished from *England*: But if *Wales* were
' admitted to be Parcel of *England*; if the Borders,
' which are now naturally the middle Part of the
' Land; if all the barren Parts of *England* were
' received as Parcels thereof; he knew no Cause,
' why *Scotland*, which was not so barren or poor, as
' some Parts of them, should not as well be admit-
' ted to an Union with *England*: And if the Great-
' ness of *England* be so great, what Decrease can it
' sustain by such a Participation? Or if *Scotland* be
' poor,

‘poor, what other Cause is there thereof, but the Want of this Union and Participation with England? And when was there ever any King, or Kingdom, to whom this Principle of *amplianda Dominia* was not acceptable and honourable?’

‘But some (said he) are so suspicious, that they dare not trust the present Times, nor the present King, with this Union; that this King is a partial King; he had his Birth there; his Education there; all his Acquaintance, Familiarity, and Conversation, during the first Part of his Age, hath been there; and therefore it cannot be, but there must be Partiality in this King: Wherein (he said) he would pardon them the double Wrong they did both to him and themselves. For himself, he did profess, that so miraculous an Applause, as he received by the general Voice of all this Nation, at his first Entrance, had prevailed as much, and had as great a Part of his Heart, as the Place of his Birth; and that, as Education was *altera Natura*, so his Residence and Continuance here was *altera Educatio*; and that there was no Reason to suspect, that either any Erection of that Nation, or any Suppression of this, should be endangered by this Union: Therefore, *qui habet Aures, audiat*; let them that have Ears, hear, and know, that there can no Servitude nor Diminution, but Augmentation and Freedom, be brought by this Union to this Nation.’

‘For the Motive of his Desire, he acknowledged his Affection to *Scotland*, wherein he had his Birth and Education, and wherein he led the first Part of his Age; and if he should be unthankful to that Kingdom, wherein he had spent the first Part, what might they expect of him in this Kingdom, wherein he should spend the second and last Part of his Age: And that therefore he did so equally esteem these two Kingdoms, betwixt which he was so equally divided, as two Brothers, and as if they had equal Parts of his Affections; and did desire, they should be united and subjected both to one Rule and to one Law. His second Motive

An. 4. James I.
1606.

‘ was, that he knew himself to be mortal, as other
 ‘ Men are; and that after him there could never be
 ‘ any so equally and so amply affected to them both.
 ‘ His third Motive was this, that if this Proposi-
 ‘ tion should be disappointed of it’s due Success,
 ‘ being known, as it was, so publickly to so many
 ‘ Nations, and the Eye of all the World in Expec-
 ‘ tation of the Event; if it failed, it would be im-
 ‘ puted either to his Folly, to propose it, or to the
 ‘ Obstinacy of his People, not to approve it. For
 ‘ the three Heads of his Desire, he protested, he
 ‘ wished himself no longer alive, but dead, if his
 ‘ Desires were not directed to the common Wealth
 ‘ of both Kingdoms; which might appear to all
 ‘ such, as did kindly and naturally examine and try
 ‘ the Reasons of his Desire, and did not prefer the
 ‘ Fear of future Apprehensions before present Truths:
 ‘ And his Desire was no more, but of the same Ef-
 ‘ fect, which of himself he had Power to accom-
 ‘ plish, without the Parliament; not that they
 ‘ should perform it, but that they should concur
 ‘ with him to the Perfection of it.

‘ For the three Heads, they were but these: The
 ‘ first, every Man would acknowledge, that there
 ‘ was now no Cause of Hostility or War; and
 ‘ therefore no Cause but that all Laws and Ordin-
 ‘ ances of Hostility might be extinguished. The
 ‘ second was that which every Man must acknow-
 ‘ ledge to be commodious, and that which all Na-
 ‘ tions in Amity and Peace, though foreign, and
 ‘ subject to several Dominions, did admit and em-
 ‘ brace, Freedom of Commerce and Traffick. The
 ‘ third is but that his Subjects may be adjudged to
 ‘ be his Subjects; and that those, that were born
 ‘ his Subjects, before he was King of *England*, may
 ‘ have this Benefit, to be esteemed his Subjects, now
 ‘ he is King: And since there is no Cause to ac-
 ‘ count them Aliens, but because they were born
 ‘ under his Dominions, before he was King here;
 ‘ now that he is King, may be privileged, as those
 ‘ that are born under him, being their King. As
 ‘ for *Scotland* itself (whereof was once made an
 ‘ Objection)

* Objection) it is content to embrace this Union. An. 4. James I.
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' And therefore now let that, which hath been
' fought so much, and so long, and so often, by
' Blood, and Fire, and by the Sword, now it is
' brought and wrought by the Hand of God, be
' embraced and received with an Hallelujah; and
' let it be as *Wales* was, and as all the *Heptarchy*
' was, united to *England*, as the Principal; and let
' all at last be compounded and united into one
' Kingdom. And since the Crown and the Scep-
' ter, Justice and Law, and all, is resident and
' reposed here; there can be no Fear to this Na-
' tion, but that they shall for ever continue conti-
' nual Friends, and shall ever acknowledge one
' Church, and one King; and be joined in a per-
' petual Marriage, for the Peace and Prosperity
' of both Nations, and for the Honour of their
' King.'

' And so concluded, that thence Union was
' the very Essence of Divinity, and the Staff of all
' States; was the Bond of Marriage, the Strength
' of Families, the Increase of Kingdoms, and the
' Kifs of Enemies; let us all embrace it, that we
' may all enjoy it. And as the last Session made
' Provision for the State, and the Regiment, and
' the Policy of this Kingdom; let this, though
' the Labour be fashious and troublesome, pro-
' vide for the Amplitude and the Union of both
' Kingdoms, to the Glory of God, and the Ho-
' nour of the King.'

The Affair of the *Union* being thus warmly
pressed by the King; it was pursued with great Vi-
gour in both Houses, throughout the whole Course
of this Session. The House of Lords began with
it on the second Day of their Meeting; when, an
Instrument for the *Union*, ready drawn up, by the
Commissioners of both Kingdoms, was produced
by the Lord Chancellor, and read; who, also,
moved that the said Instrument might be sent down
to the other House: Which was done accordingly;
with this Message, ' That the said Instrument had

Proceedings on
the Union, in
Pursuance of the
King's Speech.

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been read in their House; but, because it concerned both Houses, it was sent down to be read there, in like Manner; to the End that they might be well informed of the Contents before any further Proceedings were made.

The Commons did not return an Answer till three Days after; when they acquainted their Lordships, 'That the Instrument for the *Union* had been read, also, in their House, and several Copies taken of it; and that they now returned it back to the Lords, for such further Proceedings as they should think fit.' On this the Lords sent another Message to them, importing, some Commendations for the Commons perusing and taking Copies of the said Instrument; and desiring that another Conference might be held by the Commissioners of both Houses. The Commons having returned a satisfactory Answer to this last Message, the Lords chose forty of their Body for a Committee, who were appointed to meet with eighty of the other House, on the 25th of *November*, to treat about this grand Affair.

The Instrument
of the *Union*
read in the House
of Commons.

The Instrument for the *Union* was read in the House of Commons *November* 21st, and is entered, at length, in their *Journals*; but is too tedious to be recited. And, we rather omit it, because the Springs and Motions of this grand Machine are more succinctly described in the Lords *Journals*; which, for Brevity's sake, we shall chiefly follow, in the Proceedings of this Session now before us.

Proceedings
thereupon.

Two Days after the first Conference, the Commons sent a Message to the Lords, 'Commending the honourable Usage which the Lords Commissioners had given to their Committee at the Conference. That the Proposition had been considered of by their House; and since they held this Matter to be very great and weighty, so much, as to concern the Conjunction of two Kingdoms, which had been long, heretofore, in Enmity; they intended to settle the Dispute in four Points, which they took to be the Substance of the Instrument for the *Union*.' These Points were,

1. Hostile

1. Hostile Laws.
2. Border Laws.
3. Naturalization.
4. Commerce.

‘The first two, they said, were Matters best fitting their Lordships Knowledge, and properer for the Higher House to discuss; being Affairs, more especially, of Policy and State. The other two they will take upon themselves to manage, as Things appertaining to the whole Body of the Realm, and therefore fitter for the Lower House of Parliament.’

The Answer returned by the Lords to this last Message of the Commons, on the Day after, was to this Effect: ‘That their Lordships, having considered of their Message, did signify to that House, that they thought the Beginning and End of their joint Committees, in this *Union-Affair*, was to inculcate and perfect an Uniformity in Consultation and Debate at their Conferences about it, and which occasioned their Lordships to desire a Meeting. But, as yet, they found it had produced nothing but a Message; in which, as their Lordships Expectations were not answered, considering with what Plainness and Freedom they had proceeded, so they think it improper to receive any Propositions from them, before such Points were jointly settled between them by whom they were to be handled. For first, they said, every Member had an Equality of Interest, in every Particular, rightly considered. Secondly, Their Lordships conceived it a kind of Diminution in Capacity of the Lower House, to think that any Thing is too great for them, or too little for the Lords: Especially, in what concerns every Member of either House, in his Person, in his Blood and Fortune. Nevertheless, although the Lords still remain disposed as before, both for Love and Order, to desire that mutual Satisfaction which Conferences commonly work in Minds well affected; yet, if the Commons, upon second Thoughts, do still mislike of Conference, their Lordships, to lose no Time, are

Ans. 4 James I. resolved to proceed in their own Way without them, and leave the Commons to follow their Course by themselves.
1606.

It is easy to see, by the Purport of this last Message, where the *Remora* was that hindered the Progress of this intended *Union*, so much desired by the King. The Lords, as they generally were, seemed ready to compliment the Court; but the Commons were not to be induced, so easily, to consent to this Innovation. However, they returned a civil Answer to the last Message of the Lords; importing, 'That they were sorry their Lordships had mistaken their Meaning, and imagined they had refused Conference, or had a Purpose or Meaning to prescribe and limit the Proceedings of that House. They desired their Lordships to know, that they had no such Intention of either diminishing the Liberty or Capacity of their own House, or, what is more, the Dignity of the House of Lords. But that their Meaning was only, to offer that Motion of digesting and ordering of the four principal Points, as they conceived, in the Instrument of the *Union*; that their Lordships might, if they pleased, undertake two of them. But now, that they understood their Lordships Mind, by the last Message, they desire to let them know, that they are willing to enter into Consideration of the whole Body of the Instrument, and debate the several Matters therein contained amongst themselves, that they may be better prepared for a Conference, which they will then be ready to attend; and desire their Lordships Concurrence with them.' Answer was immediately returned, that the Lords are well satisfied with the Course the Commons had now prescribed, and desire they would proceed in it, as they themselves intended, with Expedition.

The Lords went next upon regulating their own Committee as to their Manner of speaking, in the Debate, at the Conference. They relaxed some Rules and Orders used in the House; as the Order for speaking but once to a Bill, at one Time of Reading,

Reading, &c. and left it open to any Lord to speak and deliver his Mind, upon any Point, as often as he saw Occasion. It was also agreed, that all the Judges, or such of them as are daily present in the House, shall attend the Lords at their Conference, from Time to Time; to give their Opinions in any Point of Law.

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These Preliminaries being settled, the Conference between the Committees of both Houses, on the Matter of *Union*, began; but no clear Account of it can be met with in the *Journals* of either House. However, we find it continued till *December* the 18th, when the Lords sent a Message to the Commons, signifying, 'That it was his Majesty's Pleasure, that both Houses should adjourn themselves to the 10th Day of *February* ensuing.' The Lord Chancellor made a short Speech to the Lords, 'That it was his Majesty's express Command to all the Lords, to appear and attend duly at the next Meeting. And, whereas several of them had been absent this Session, by Licence from his Majesty, either on account of Sicknes or Business, his Meaning was, that they should give their Attendance as soon as ever their Business was dispatched, or their Health recovered.'

The *Journal* of the *Commons* ends this short Session, if it may be called one, in this Manner:

'*Die Jovis 18^o Decembris 1606.*

'Sir *John Crook* and Mr. Dr. *Hone* bring this The Parliament
Message from the Lords, That his Majesty con-adjourned.
sidering the great Travel of the Knights, Citizens,
and Burgeses, Committees employed in Matter of
the *Union*; and that the solemn Feast of *Christen-*
mas approaching, it were fit that the Gentlemen
repaired into their several Countries, to solace them-
selves, comfort their Neighbours, and perform other
Duties in their several Places: Therefore, his
Highness hath signified his Pleasure to be, that this
Session should be adjourned. And because this Busi-
ness might be no Hindrance to the common Justice
of the Realm in the Term-Time, his Majesty's

An. 4 James I. Pleasure was to adjourn it until the 10th of *February* following, being within three Days of the End of the Term.

1606.

‘ Upon this Message Mr. Speaker adjourned the Court according to his Majesty’s said Pleasure.’

‘ *Note*: A Session adjourned, upon a Message from the Lords signifying his Majesty’s Pleasure.’

‘ *Note*: The Intermision of Adjournment (still continued one and the same Session) was one whole Month and twenty three Days.

They meet again,
and resume the
Consideration of
the Union.

The 10th of *February* being come, the Parliament met again, and the same Admonition for strict Attendance was given to the Lords, by the Chancellor, as he had it in Command from the King. On the 14th the Lords sent a Message to the Commons to acquaint them, ‘ That they had entered into Consideration of those Things, which had already passed in Conference, concerning the *Union*. That the two Points, relating to *Hostile Laws* and *Commerce*, have been handled but not perfected. That the third Point, touching *Naturalization*, remained wholly to be treated of; which, being done, both Houses might better consider what further Course may be taken for framing and proceeding in Bills, fit for the Purpose. And therefore the Lords desire a new Conference on this Occasion.’ Answer was immediately returned by the Commons, that they agreed thereto; but, as the Point of *Naturalization* was not yet touched upon, they were not ready to treat about it; and therefore desire the Lords to give them farther Time. On the 22d of *February*, the Lords received another Message from them, importing, ‘ That they were ready to speak to one Part of the Point of *Naturalization*, which was, of such of the *Scotch* Nation as had been born since his Majesty came to the Crown. Accordingly, *February* the 24th was appointed, by the Lords, to begin the Conference, and all the Judges ordered to attend it.

What

What we find this *Union* chiefly stuck upon, by the *Journals*, was the last mentioned Point of *Naturalization*. And, on the very first Day of this second Conference, the Judges being required to give their Opinion concerning that Particular, eleven out of twelve of them declared, ‘That such of the *Scotch*, as have been or shall be born in *Scotland*, since his Majesty’s coming to the Crown, were not *Aliens*; but, are inheritable in this Realm by the Law, as it now stands in Force, as Native *English*.’

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Several Reports were made in the House of Lords, concerning this Conference, and divers Messages sent between the two Houses about it; but none of them of any great Signification until the 3d of *March*. When, a Message was sent from the Commons, in Writing, in Answer to one the Lords had sent the Day before, in the same Manner, to prevent Mistakes. Importing, ‘That, whereas the Message from their Lordships was for a further Conference on *Naturalization* in general; the Commons understanding it to mean *Naturalization* of the *Ante-Nati* and *Post-Nati*, and of the Conveniency of it, with such Limitations and Restraints as might be fit for both; they will enter into Consideration of it in such Sense as they conceive it, and will prepare themselves for Conference as soon as possible.’

Dispute between
the two Houses
concerning the
Naturalization
of the *Scotch*.

To this the Lords instantly replied, ‘That their Message to the Commons was to confer on *Naturalization* in general; of which, what Exposition or Interpretation they shall make, the Lords do leave to their own Judgment and Conceits. That their Lordships are ready now to confer with them on the general Point; and withal, the Lords do move them and expect that the Commons will be expeditious in the Matter.’

Affairs now began to grow a little warm between the two Houses, about the Business of the *Union*; which shewed the King very plainly, that his hopeful Project was in a fair Way of being entirely quashed. The Commons sent another Message

to

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to the Lords, the Day after the last mentioned, to this Effect: 'That they had entred into Consideration of the Lords Reply to their last Answer; and do perceive that the Construction and Understanding of the Message is left to their own Judgments. Wherein, if their Lordships are to treat again of the *Post-Nati*, in what Sort they stand in Law, the Messenger [Sir Edward Hobby] said, he was commanded to tell them, that they all knew the Commons' Opinion and Inclination in that Point; and, since that Time, they had not seen, heard, nor understood any thing, to the contrary, that might seem to make them alter their Opinion. If, of the *Ante-Nati* and Conveniency of *Naturalization*, they hold it to be a Matter of State; and so it is fitter to have a Beginning in the Upper House, who are better acquainted with these Affairs. Yet, notwithstanding, if the Lords were disposed to deal freely with them, give Light and lay open themselves, and make known in what Sort they mean to proceed, they will be ready to attend the Service.'

The Commons Messengers were ordered to withdraw; and shortly after the Lords returned an Answer, by Messengers of their own, to this Import: 'That as the Strength of both Houses consisted in nothing more, than the Preservation of the Right and Privilege justly and properly belonging to either; so, in that Respect, the Lords are very tender in suffering any thing to pass unanswered whereof there may arise the least Misunderstanding. Therefore, although some Words, delivered by the Gentleman appointed to speak for the Lower House, gave some Offence, yet, all their Lordships did conceive they were only a *Lapsus Linguae* in his own Person, to which any Man may be subject: But, being spoken at that Time, and by a Person qualified as their Mouth, the Lords did not think it safe for them to conceal it from the Commons; for if it had been otherwise taken than the Gentleman's private Action, they must have used that Freedom which is necessary from one Friend

to another, in telling them that they will never acknowledge any Man, that sitteth in the Lower House, to have the Right and Title of a Baron of Parliament. Though some private Gentlemen, that sit as Burgeſſes for *Cinque-Ports*, may have ſuch an Appellation where they reſide: No more could they admit the Term of the *Commons Court of Parliament*; becauſe their whole Houſe, without the Lords, can make no Court of Judicature. But now, as to the Matter itſelf, having ſaid enough of the Miſtake, the Lords added they were very ſorry to find ſo much Reſervation towards thoſe that meant to uſe ſo much Freedom; their Lordſhips being ſo well perſuaded of the Commons good Affections to the general Cauſe as they were; and are willing ſtill to offer Conference, in general Terms, even on that particular Title of *Naturalization*. Therefore, they thought fit for the preſent, once again to declare thus much unto them, That they have not had amongſt themſelves any particular Deliberation, either in Point of Law or Conveniency, about this *naturalizing* Affair; becauſe they did intend to meet the Commons, free from any Obligation by any Voice or Opinion, upon any ſingle Branch of it, before they had in ſome Meaſure conſidered of the whole; according to the firſt Inſtitution of the Conference, as being the only Way to come to a good and ſpeedy End. And, as their Meſſenger uſed a Phraſe of their Reſolution to attend the Service, the Lords declared unto them, that they underſtand that Expreſſion, as a Promiſe to confer as well as to hear what may be ſaid of the Matter; leſt, when the Lords expect a Conference, an Audience only may be offered. In which Conference there can be no Difficulty, ſeeing they come to debate and argue without Concluſion; and no Man's Thought can be ſo great a Stranger as not to debate the Matter, in ſome Degree or other. To which Intent, their Lordſhips would be ready to meet the Commons, if they ſo like it, at the uſual Place, on the 7th of March, at two in the Afternoon.

It

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It may be supposed the Commons sent a more complying Answer to this last Message of the Lords, (though there is nothing entered in the *Journals* of *March* the 5th, but this, viz. 'Message from the Lower House by Mr. *Martin* and others.') For the Conference did begin, on the 7th, as the Lords desired. It was agreed at this Meeting, by the whole, that, to prevent Confusion, the Number of the Committee of each House should be lessened from forty Lords to twenty, and from eighty Commoners to forty. Accordingly, we find that the Lords reduced theirs to the Archbishop of *Canterbury* and six other Bishops; the Lord Chancellor and Lord Treasurer, five Earls and six Barons, These Sub-Committees, it was supposed, were likely to bring Matters sooner to a Conclusion than the larger; but it did not answer the Intention. For, though they had several Meetings, on many different Days, yet nothing was done that tended any Way towards an Agreement. On the contrary, we find that, on the 27th of *March*, the Lords sent another complaining Message to the Commons, importing, 'That their Committee had strangely prevaricated with them; for that though their Lordships came with full Power and Purpose to deliver their Opinions openly, yet the Unexpected Reservation of the Commons in hearing and not speaking to the Matter, had taken away the Life of the intended Conference: Especially considering that, instead of a free and open Debate between them, their Lordships had met with such a Distinction, as did, in Effect, close up all, and cross directly the Purpose for which they were sent. And yet, out of their Desire that the Work may not suffer Interruption, by any Mistakings or too exact Formalities; the whole House, upon the Report of their Committee to them, have resolved to make this farther Proposition: That if the Commons would send a Committee, authorised both to hear their Propositions and Reasons for some Difference between the *Post-nati* and the *Ante-nati*, in Point

of

of Conveniency only, without Regard to any Thing that hath or may be said in Point of Law; and to debate thereupon, by Way of Argument only, as their Deputies should find Occasion, without concluding them or binding the Commons by any Thing spoken at that Time: Why then, the Lords said, to requite such free and ingenious Manner of Conference, which they had ever desired, they were ready to meet the other Committee again; and open themselves, by way of Proposition and Argument, in all those Points left untreated of.' *Answer*, 'That the Commons would send one, by some of their own House, as soon as conveniently they may.'

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But no direct Answer was ever sent from the Commons to the Lords, on this last Message, that we can find; nor did the Committees meet again to confer on this Matter. However, the Commons did not wholly slight this grand Affair; but, in order to give some Satisfaction to the King in his Expectations, a Bill was brought in and passed that House, entituled, *An Act for the utter Abolition of all Memory of Hostility, and the Dependants thereof between England and Scotland, and for the repressing the Occasion of Discords and Disorders for the Time to come.*

An Act pass'd for preventing Discords between England and Scotland.

This Bill was sent up to the Lords, on the 6th of June; it was read in that House a second Time, and committed on the 8th; the next Day the said Committee reported, 'That they had gone thro' the Bill; but, finding some Causes of Doubt in it which they desired to be cleared, they moved, that another Conference might be had, by Committees of both Houses that Afternoon.' *Answer* returned, 'That the Commons will attend their Lordships to the Number of one hundred of their House.'

This second Conference produced some better Effect than the former. Some Additions and Amendments were added, by Consent of both Houses, to the Bill: *June* the 30th, it was passed by

As. 4 James I. by the Lords; and this Act stands the first, in our
1606. *Statute Books*, amongst the printed Statutes of this Year.

We have now gone through the Proceedings of the Parliament, on this Affair of the *Union*, in what the *Journals* of the *Lords* will instruct us about it. But the *Journals* of the *Commons* are much more circumstantial in the Debates of their Members on this grand Article; which we shall draw out as concisely as the Nature of the Thing, to make it intelligible, will bear.

Besides inserting the *Instrument*, at full Length, agreed on, signed and sealed by thirty-nine *English* and twenty-eight *Scottish* Commissioners; certain *Notes* or *Memorandums*, were read, containing the Ground-Work of their Proceedings in this Affair in the last Session. We shall omit all these, and content ourselves, and we hope our Readers, with giving the Substance of each particular Member's Arguments for and against this great Question. Which, with what has gone before, may well make up the whole Sum of the Business.

Debate in the
Commons on the
Point of Naturalization.

February 14th, Mr. Fuller first began the Dispute against a *General Naturalization*; he argued, 'That God had made People fit for every Country; some for a cold, some for a hot Climate; and those several Countries he hath adapted to their several Natures and Qualities. As all Grounds are not fit for one Kind of Grain; but some for Oats, some for Wheat, &c. Suppose one Man is Owner of two Pastures, with one Hedge to divide them; the one Pasture bare, the other fertile and good. A wise Owner will not quite pull down the Hedge, but make Gates to let the Cattle in and out at Pleasure; otherwise they will rush in in Multitudes, and much against their Will return. That the *Union* was no more than as two Arms of one Body. But before they be admitted, it is proper to consider what Place and Room we have for them. Look into the Universities, there you will find many of our own, very worthy Men, not preferred. In London, see what the

Bill

Bill of Inmates doth provide for; and remember what was opened to the House on the Reading of that Bill. Amongst the Merchants, though they labour, toil and provide all they can; yet they have had no Fruits, no Success these three Years. Our *English* Merchants adventure; they go to Sea with great Vessels, freighted at a great Charge; the other with little Vessels at a small Charge. The *Scotch* carry their Wares in other Countries up and down in Packs; and, by these Means, have taken away all the Trade from *Diep* already. Our Traders are too many already; and there are Impositions upon the *English* from which the *Scotch* are discharged. The Navy of *Scotland* is so weak as to be in *Misericordiam* to every mean Force.--- He added, that the Care of a Sovereign Prince, is, that his Subjects live under him, *honestè, tutè, pacificè et jucundè*. That Country is miserable, where the great Men are exceeding rich, the poor Men exceeding poor; and no Mean, no Proportion, between both.—Tenants of two Manors; whereof the one hath Woods, Fisheries, Liberties, Common of Estovers, &c. The other a bare Common, without Profit; only a little Turf, or the like. The Owner maketh a Grant, that the Tenants of this shall be Participants of the Profits, &c. of the former. This beareth some Shew of Equity; but is plain Wrong and the Grant void. The King cannot make a single Village in one, to be Parcel of another Country. He cannot make a Parcel of one Kingdom Parcel of another, being distinct Kingdoms. Law is the Happiness of our Government. Commissioners are of absolute Power, and occasion absolute Wrong. The King can do what he may do by his Legal Power. In the 13th of *Henry IV.* an Office of measuring Cloth was granted, with a Fee imposed; but it was found unjust and adjudged void. So it was in *Sir Edward Darcey's* Case for sealing of Cards. The King's Oath, by *Magna Charta*, is not to act against Law. A Protection granted by the King for three Years was not good; for one he may. If King
Philip

An. 4 James I. 1606. *Philip of Spain* had had a Son by *Queen Mary*, he would have been King of *Spain, Sicily, &c.* was it proper to *naturalize* those Subjects? It cannot be good to mingle two Swarms of Bees under one Hive, on the sudden. When the *Jews* were in Captivity, and were moved to Mirth and sing Songs, they could not forget *Jerusalem*; *Let their Right Hand forget their Left, &c.* And when *Abraham* and *Lot* were Brethren; *Abraham* said, *Go thou to the Right Hand, and I will go to the Left, &c.* So they divided, and either took that Part which was fittest for him.

This Speech was followed by Mr. *Wentworth* and Mr. *Moore*; the main Points of whose Arguments were, That *England* and *Scotland* were *una et alia Respublica*; *Scotland, aliena Respublica*. They acknowledge no Crown, no King, no Sovereignty but *Scotland*; we none but that of *England*. No Alteration being made by the King's coming hither.—Remembered, that the King said in a Speech, reported from him to the House, this Session, 'I would be loath to live to see the King of *Scotland* do Wrong to the King of *England*.' The King is seized, *in Jure Coronæ, Scotiæ*; *et in Jure Coronæ, Angliæ*. If there be two Regalities, how one Kingship? *Ireland* was subdued by Conquest, by *Henry II.* and they have ever since been natural born Subjects. If we think the Law to be one Way, not to declare it another. Lastly, if we *naturalize* them, it is necessary to have many Cautions; Cautions for Ecclesiastical Promotions; Cautions for our Lands and for our Trades. All these to be well considered of by a Committee.

On the other Side, Sir *Francis Bacon*, Solicitor-General, spoke; and began with a Request, *Ut cum Calculis Suffragiorum sumant Magnanimitatem Reipublicæ*; and not think, altogether on their own private States and Conditions. Put off private Considerations, and raise their Thoughts to the public State. That there were several Degrees of Good and of Evil; Wisdom to avoid the worst of

of Evils, if not to attain the best of Good. The main Objections against the Union urged were, *Nè fortè sufficiat Vobis et Nobis.* That Abraham and Lot, when their Families grew great, divided. This had been better not quoted, if we take with it the Mischiefs which ensued by the Division. For the Argument of two Pastures, &c. there is great Difference between Men and Beasts. Cattle presently feed; take their Bite presently; but Men must have Stock, Means, Acquaintance, Time of Settling, &c. In this Spring-Time of the King's coming, how many Families planted? It is said they are poor; Men will shew their Poverty at Home rather than in a foreign Country. There is no evident Token of Surcharge of People in this Kingdom; there are many great Wastes, surrounded Grounds, Fisheries, &c. unoccupied. But, if we be pent up close in England, there is Room enough Abroad; witness Ireland, Virginia, and other foreign Plantations.

Take away, adds our Orator, this Note, or Mark, of Foreigners, and our Laws will come upon them unawares. It is not a Conquest, but like Water into our Wine, a Commixture; and shall we not now be sensible that we have it by a cheaper Mean?-----He urged the Example of several foreign Kingdoms and States; but the Notes are so short, in the Journals; as to be unintelligible.-----He concluded with saying, That the Scottish Subject was bound to defend us, fight for us if there was an Invasion; or, if at War, with any Nation. That England and Scotland united, Ireland reduced, the Low-Countries contracted, and our Shipping maintained, Shipping a voluble Monarchy, we shall be the greatest Empire that hath been heard of in many Ages. We shall purchase Surety, Glory, Greatness, though not Wealth. But, if there be no further Union, by Naturalization, the Nature of Things doth bear that these Kingdoms must break. Therefore, let us not stand upon Pittances and Reckonings, but come to the Point.

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These

An. 5 James I.
1606

Sir Christopher
Pigot reflects on
the Scots.

These were all, or most of the Arguments, used on both Sides, in this Day's Debate; and we shall take Notice of no more, being sufficient to shew the Temper of both Court and Country Party, in the House, on the Subject of the *Union*. We cannot, however, avoid giving the Case of one Member who was punished, by his Brethren, for letting his Tongue run too far in Invectives against the *Scottish* Nation, in one of the Days of Debate. This was Sir *Christopher Pigot*, Knight, one of the Knights for the County of *Bucks* (e), who, when some *Memorandums* about the *Union* were offered to be read, and a Dispute arose, whether all at once or separately, this Knight, with a loud Voice, and not standing up with his Hat off, as the Order is, pressed to have them read generally, concurring in this with the Opinion of several others. But the House observing his Manner of sitting and calling, for Order's sake, urged him to stand up and speak, if he was desirous to make known his Opinion. Upon which he arose, and pretending, at first, to deliver some Reasons why he pressed the Reading of the Remembrances, generally; he, afterwards, entered into a Bye-Matter of Invectives against the *Scots* and *Scottish* Nation; using many Words of Scandal and Obloquy, ill-beseeming such an Audience, and not pertinent to the Matter in Hand. 'As, Let us not join Murderers, Thieves, and the roguish *Scots* with the well-deserving, *Scots*. As much Difference between them as between a Judge and a Thief. He would speak his Conscience without Flattery of any Creature whatsoever. They have not suffered above two Kings to die in their Beds, these two hundred Years, Our King hath hardly escaped them; they have attempted him. Now he is come from amongst them, let us free him from such Attempts hereafter, &c (f).' The House, we are informed, were so amazed at this Speech that they stood staring at one

(e) He was elected upon the Vacancy occasioned by Sir *Francis Goodwin's* Resignation — See before, p. 84.

Willis's *Notitia Parliamentaria*.

(f) *Diarium Dom. Com.*

one another, and took no Notice of it for that Time, but let it pass without Tax or Censure.

An. 4 James I.
1606.

It was not till three Days afterwards, that the House bethought themselves of this insolent Speech; when the Words of Offence contained in it, were particularly recited. But this seems to have been spurred up by a Message from the King, who said, 'He did much dislike and tax the Neglect of the House; in that the Speech was not interrupted in the Instant, and the Party committed before it became public, and to his Highness's Ear.' In Excuse of this, it was answered, 'That *Leves loquuntur Curæ, ingentes stupent*; and that it seemed to fall within that Case, wherein Solomon's Counsel was, *Not to give an Answer*; but that the Dislike appeared, evidently, by the *mæstum Silentium*, which then was found in the House.' It was moved, That Sir *Christopher* might be sent for, which was immediately done by the Serjeant, with his Mace.

It seems pretty plain, that the Commons Resentment of their Brother's ill Language was occasioned by this Message from the King; but, after all, they knew not which Way to censure him for it: Freedom of Speech, in their House, was ever a darling Privilege; and, after the Serjeant was gone for the Offender, many Motions and Questions ensued upon it. The Prisoner being set to the Bar, laboured to explain the Words uttered by him; and to clear himself from Malice and Disloyalty. Which the House did not much regard; but, being commanded out, they debated what Punishment they should fix upon him. The *Tower* was first named, and, also, a Dismission from his Place in the House. Much Dispute arose about this last Affair; at length being agreed, the Offender was called in again, and kneeling, the Speaker pronounced this Judgment upon him, *viz.* 'That since his Offence was so apparently heinous, the House did not hold it fit that any Particulars should be named, or to give a Reason for their Judgment; but their Order was, That he should be carried to

An. 4. James I. the Prison of the *Tower*, there to remain during the Pleasure of the House: That he should be dismissed from his Place of Knight of the Shire of *Bucks*; and a Writ issued out for a new Choice. Accordingly his Warrant for Commitment, and a new Writ, were made out, the Form of both which are entered in the *Journals*.

Whereupon he is committed to the *Tower*, and expelled.

After the Prisoner had remained some Time in the *Tower*; he sent a Letter to a Relation of his, a Member of the same House, complaining of his ill State of Health, occasioned by his Confinement; and begged of him to interceed with the Commons for his Release. Much Dispute arose, about the Manner of his Enlargement, and whether they ought to acquaint the King with it; much Fear was had about their Privileges, because he was committed by an exprefs Order of the House. At last, the Speaker undertook this Matter with the King; and the next Day reported this Message from his Majesty about it.

‘ That he had taken Notice of the Motion and Petition, made in the House, for the Releasement of Sir *Christopher Pigott*, and said, ‘ That out of an ill Cause there might grow a good Effect. That the Speech was very rash and unadvised at the first, and that the Silence of the House might have bred some ill Conceit; but his Majesty is far from Opinion, that it received Allowance from any Member in the House, interpreting, always, that the Cause of their Forbearance was, lest it might be any Interruption to the Business in Hand.

‘ But since, he is more absolutely satisfied with their Carriage: 1. In that they have not charged him with Particulars, but have put the Words in Oblivion. 2. That they have proceeded against him to the Height of Justice. 3. That they have not been willing to proceed with his Enlargement, until he might take Notice of it. That, as in the last Session, he had taken true Heart’s Content, in the Manner of granting the *Subsidy*, and for that did think them well-deserving his

Thanks;

Thanks; so, in this unhappy Business, it pleaseth him so well, that he again returns them Thanks for it. An. 5 James I.
1607.

For the Motion, as at the first, he conceived, they proceeded to his Punishment with great Judgment; so, will he not now assume to himself any Power, but leave it to the same Judgment for Mercy; and, if they think good, wisheth he may be freed from the Prison, and dispose himself in some fitter Place for his Health.

After this was heard, a Motion ensued, That Sir Christopher might be restored to his Place in the House again; which was not assented to; but, it was presently ordered that he should be enlarged, and a Warrant was directed to the Lieutenant of the Tower for that Purpose. But upon the King's Message discharged.

During these Contests in the Lower House, the King took all possible Pains, by Messages, &c. to keep them together and make them uniform. Many of the Members had slipped into the Country, or neglected the Service, as disliking the Business they were upon. A Call of the House was therefore ordered; but before that happened, the King called both Houses before him, to Whitehall, March 31, in order to reconcile their Differences, and spoke to them as follows:

My Lords of the Higher House, and you Knights and Burgeesses of the Lower House:

ALL Men, at the Beginning of a Feast, bring forth good Wine first, and after worse: This was the Saying of the Governor of the Feast at *Cana in Galile*, where Christ wrought his first Miracle, by changing Water into Wine; but in this Case now, whereof I am to speak unto you, I must follow that Governor's Rule, and not Christ's Example, in giving you the worst and sourest Wine last. For all the Time of this long Session of the Parliament, you have been so fed and cloyed (specially you of the Lower House) with such Banquets, and Choice of delicate Speeches, and your Ears

The King's Speech to both Houses for hastening the Union.

James I.
1607.

so seasoned with the Sweetness of long precogitate Orations, as this my Speech, now in the breaking-up of this Assembly, cannot but appear unto your Taste, as the worst Wine, proposed in the End of the Banquet; since I am only to deliver now unto you Matter, without curious Form; Substance, without Ceremony; Truth, in all Sincerity. Yet, considering the Person, that speaketh; the Parties, to whom I speak; the Matter, whereof I mean to speak; it fits better to utter Matter, rather than Words; in regard of the Greatness of my Place, who am to speak to you; the Gravity of you the Auditory, which is the High Court of Parliament; the Weight of the Matter, which concerns the Security and Establishment of this whole Empire, and little World. Studied Orations, and much Eloquence upon little Matter, is fit for the Universities; where not the Subject, that is spoken of, but the Trial of his Wit, that speaketh, is most commendable: But, on the contrary, in all great Councils of Parliament, fewest Words, with most Matter, do become best; where the Dispatch of the great Errands in Hand, and not the Praise (g) of the Person, is most to be looked unto; like the Garment of a chaste Woman, who is only set forth by her natural Beauty, which is properly her own; other Deckings are but Ensigns of an Harlot, that flies with borrowed Feathers. And besides the Conveniency, I am forced hereto by Necessity, my Place calling me to Action, and not leaving me to the Liberty of Contemplation; having always my Thoughts busied with the publick Care of you all; where every one of you, having but himself, and his own private, to think of, are at more Leisure to make studied Speeches. And therefore the Matter, which I deliver you confusedly, as in a Sack, I leave it to you, when you are in your Chambers, and have better Leisure, than I can have, to rank them in Order, every one in their own Place.

Thus,

(g) Pray, in the Original.

Thus much by way of Preface: But I proceed to the Matter: Whereof I might say, with St. Paul, I could speak in as many Tongues, as you all; but I had rather speak three Words to Edification, than talk a Day without Understanding. In vain (saith the Psalmist) doth the Builder build the House, or the Watchman watch the City, unless the Lord give his Blessing thereunto: And, in the New Testament, St. Paul saith, that he may plant, Apollos may water; but it is God only that must give the Increase. This I speak, because of the long Time, which hath been spent about the Treaty of the Union. For myself, I protest unto you all, when I first propounded the Union, I then thought there could have been no more Question of it, than of your Declaration and Acknowledgment of my Right unto this Crown; and that, as two Twins, they would have grown up together. The Error was my Mistaking: I knew mine own End, but not others Fears. But now (*b*) finding many Crosses, long Disputations, strange Questions, and nothing done; I must needs think it proceeds, either of Mistaking of the Errand, or else from some Jealousy of me the Propounder, that you so add Delay unto Delay; searching out, as it were, the very Bowels of Curiosity, and conclude nothing. Neither can I condemn you, for being yet in some Jealousy of my Intention in this Matter; having not yet had so great Experience of my Behaviour and Inclination, in these few Years past, as you may peradventure have in a longer Time hereafter; and not having Occasion to consult daily with myself, and hear mine own Opinion in all those Particulars, which are debated among you. But here, I pray you now, mistake me not at the first, when as I seem to find fault with your Delays and Curiosity, as if I would have you to resolve, in an Hour's Time, that, which will take a Month's Advise: For you all know, that *Rex est Lex loquens*; and you have

M 4

off

(*b*) Note, in Orig.

4th. James I.
1607.

‘ off heard me say, that the King’s Will and In-
 ‘ tention, being the speaking Law, ought to be
 ‘ *Luce clarius*: And I hope you of the Lower
 ‘ House have the Proof of this my Clearness, by
 ‘ a Bill sent you down from the Upper House
 ‘ within these few Days, or rather few Hours;
 ‘ wherein may very well appear unto you the
 ‘ Care I have, to put my Subjects in a good Se-
 ‘ curity of their Possessions for all Posterities to
 ‘ come. And therefore, that you may clearly
 ‘ understand my Meaning in that Point, I do free-
 ‘ ly confess, you had Reason to advise at Leisure
 ‘ upon so great a Cause; for great Matters do ever
 ‘ require great Deliberation, before they be well
 ‘ concluded: *Deliberandum est diu, quod statuen-*
 ‘ *dum est semel*. Consultations must proceed *lento*
 ‘ *Pede*; but the Execution of a Sentence, upon
 ‘ the Resolution, would be speedy. If you will
 ‘ go on, it matters not, though you go with
 ‘ leaden Feet, so you make still some Progress,
 ‘ and that there be no Lett, nor needless Delay;
 ‘ and do not *Nodum in Scirpo querere*. I am ever
 ‘ for the Medium in every Thing. Between
 ‘ foolish Rashness, and extreme Length, there
 ‘ is a middle Way, Search all that is reasonable;
 ‘ but omit that, which is idle, curious, and un-
 ‘ necessary; otherwise there can never be a Re-
 ‘ solution or End in any good Work.

‘ And now from the General I will descend to
 ‘ the Particulars; and will, only for the Ease of
 ‘ your Memories, divide the Matter, that I am
 ‘ to speak of, into four Heads; by opening unto
 ‘ you, First, what I crave: Secondly, in what
 ‘ Manner I desire it: Thirdly, what Commo-
 ‘ dities will ensue to both the Kingdoms by it:
 ‘ Fourthly, what the supposed Inconveniency may
 ‘ be, that gives Impediments therunto.

‘ For the first, what I crave; I protest before
 ‘ God, who knows my Heart, and to you my
 ‘ People, before whom it were a Shame to lye,
 ‘ that I claim nothing, but with Acknowledg-
 ‘ ment of my Bond to you; that, as ye owe to

‘ me

me Subjection and Obedience, so my Sovereignty obligeth me to yield, to your Love, Government, and Protection: Neither did I ever wish any Happiness to myself, which was not conjoined with the Happiness of my People. I desire a perfect Union of Laws and Persons, and such a Naturalizing, as may make one Body of both Kingdoms, under me your King; that I, and my Posterity (if it so please God) may rule over you to the World's End; such an Union, as was of the *Scots* and *Picts* in *Scotland*, and of the *Heptarchy* here in *England*. And for *Scotland*, I avow such an Union, as if you had got it by Conquest; but such a Conquest, as may be cemented by Love, the only sure Bond of Subjection or Friendship: That as there is over both but *unus Rex*; so there may be in both but *unus Grex, et una Lex*: For no more possible is it for one King to govern two Countries contiguous, the one a greater, the other a less; a richer, and a poorer; the greater drawing, like an Adamant, the lesser to the Commodities thereof; than for one Head to govern two Bodies, or one Man to be Husband of two Wives; whereof *Christ* himself said, *Ab Initio non fuit sic*.

An. 5 James 7.
1607.

But in the general Union you must observe two Things: For I will discover my Thoughts plainly unto you; I study Clearness, not Eloquence; and therefore, with the old Philosopher, I would heartily wish, my Breast were a transparent Glass, for you all to see through, that you might look into my Heart, and then would you be satisfied of my Meaning. For when I speak of a perfect Union, I mean not Confusion of all Things: You must not take from *Scotland* those particular Privileges, that may stand as well with this Union, as in *England* many particular Customs, in particular Shires (as the Customs of *Kent*, and the Royalties of the County Palatine of *Chester*) do with the Common-Law of the Kingdom: For every particular

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particular Shire almost, and much more every
Country, have some particular Customs, that
are, as it were, naturally most fit for that Peo-
ple: But I mean of such a general Union of
Laws, as may reduce the whole Island; that,
as they live already under one Monarch, so they
may all be governed by one Law: For I must
needs confess, by that little Experience I have
had since my Coming hither, and I think I am
able to prove it, that the Grounds of the Com-
mon Law of *England* are the best of any Law in
the World, either Civil or Municipal, and the
fittest for this People. But as every Law would
be clear, and full; so the Obscurity in some
Points of this our written Law, and Want of
Fulness in others, the Variation of Cases, and
Mens Curiosity, breeding every Day new Ques-
tions, hath enforced the Judges to judge, in
many Cases here, by Cases and Precedents;
wherein, I hope, Lawyers themselves will not
deny, but that there must be a great Uncer-
tainty; and I am sure all the rest of you, that
are Gentlemen of other Professions, were long
ago weary of it, if you could have had it amend-
ed: For where there is Variety, and Uncertain-
ty, although a just Judge may do rightly, yet an
ill Judge may take Advantage to do Wrong;
and then are all honest Men, that succeed him,
tied, in a Manner, to his unjust and partial
Conclusions. Wherefore leave not the Law to
the Pleasure of the Judge, but let your Laws be
looked into: For I desire not the abolishing of
the Laws, but only the clearing and the sweep-
ing of the Rust of them; and that by Parlia-
ment our Laws might be cleared, and made
known to all the Subjects. Yea rather, it were
less Hurt, that all the approved Cases were set
down, and allowed by Parliament, for standing
Laws in all Time to come: For although some
of them, peradventure, may be unjust, as set
down by corrupt Judges; yet better it is to
have a certain Law, with some Spots in it, nor
live

live under such an uncertain and arbitrary Law; since, as the Proverb is, *It is less Harm to suffer an Inconvenience, than a Mischief*. And now may you have fair Occasions of amending and polishing your Laws, when *Scotland* is to be united with you under them: For who can blame *Stotland*, to say, If you will take away our own Laws, I pray you give us a better and clearer in Place thereof. But this is not possible to be done, without a fit Preparation. He that buildeth a Ship, must first provide the Timber; and, as *Christ* himself said, No Man will build an House, but he will first provide the Materials; nor a wise King will not make War against another, without he first make Provision of Money: And all great Works must have their Preparation; and that was my End, in causing the Instrument of the Union to be made. Union is a Marriage: Would he not be thought absurd, that, furthering of a Marriage between two Friends of his, would make his first Motion to have the two Parties be laid in Bed together, and perform the other Turns of Marriage? Must there not precede (k) the mutual Sight and Acquaintance of the Parties one with another; the Conditions of the Contract, and Jointure, to be talked of, and agreed upon, by their Friends; and such other Things, as in Order ought to go before the Ending of such a Work? The Union is an eternal Agreement and Reconciliation of many long, bloody Wars, that have been between these two ancient Kingdoms. It is the readiest Way to agree a private Quarrel between two, to bring them, at the first, to shake Hands, and, as it were, kiss each other, and lie under one Roof, or rather in one Bed, together, before that first the Ground of their Quarrel be communed upon, their Minds mitigated, their Affections prepared, and all other Circumstances first used, that ought to be used, to proceed to such a final Agreement. Every honest

(k) Proceed, in Orig.

22. 5 James I.
1607.

‘honest Man desireth a perfect Union; but they
 ‘that say so, and admit no Preparation there-
 ‘to, have *Mel in Ore, Fel in Corde*. If after
 ‘your so long Talk of Union, in all this long
 ‘Session of Parliament, ye rise, without agree-
 ‘ing upon any Particular; what will the Neigh-
 ‘bour Princes judge, whose Eyes are all fixed
 ‘upon the Conclusion of this Action, but that
 ‘the King is refused in his Desire; whereby the
 ‘Nation should be taxed, and the King disgraced?
 ‘And what an ill Preparation is it for the Minds
 ‘of *Scotland* toward the Union, when they shall
 ‘hear, that Ill is spoken of their whole Nation;
 ‘but nothing is done nor advanced in the Matter
 ‘of the Union itself? But this, I am glad, was
 ‘but the Fault of one; and one is no Number:
 ‘Yet have your Neighbours of *Scotland* this Ad-
 ‘vantage of you, that none of them hath spoken
 ‘ill of you (nor shall, as long as I am King) in
 ‘Parliament, or any such publick Place of Judi-
 ‘cature. Consider therefore well, if the Minds
 ‘of *Scotland* had not need to be well prepared, to
 ‘persuade their mutual Consent, seeing you here
 ‘have all the great Advantage by the Union: Is
 ‘not here the personal Residence of the King;
 ‘his whole Court, and Family? Is not here the
 ‘Seat of Justice, and the Fountain of Govern-
 ‘ment? Must they not be subjected to the Laws
 ‘of *England*, and so, with Time, become but
 ‘as *Cumberland*, and *Northumberland*, and those
 ‘other remote and Northern Shires? You are
 ‘to be the Husband, they the Wife; you Con-
 ‘querors, they as conquered; though not by the
 ‘Sword, but by the sweet and sure Bond of Love:
 ‘Besides that they, as other Northern Countries,
 ‘will be seldom seen and saluted by their King;
 ‘and that, as it were, but in a posting or hunt-
 ‘ing Journey.’

‘How little Cause then they may have of such
 ‘a Change of so ancient a Monarchy into the
 ‘Case of private Shires, judge rightly herein;
 ‘and, that you may be the more upright Judges,
 ‘suppose

'suppose yourselves the Patients, of whom such, An.
'Sentence should be given. But what Prepara-
'tion is it which I crave? Only such, as, by the
'Entrance, may shew something is done, yet
'more is intended.'

'There is a Conceit entertained, and a double
'Jealousy possesseth many, wherein I am mis-
'judged; first, that this Union will be the Crisis
'to the Overthrow of *England*, and Setting up of
'*Scotland*: *England* will be then overwhelmed
'by the swarming of the *Scots*, who, if the
'Union were affected, would reign, and rule all.
'The second is my profuse Liberality to the *Scot-*
'*tishmen*, more than the *English*; and that, with
'this Union, all Things shall be given to them,
'and you turned out of all: To you shall be
'left the Sweat, and Labour; to them shall be
'given the Fruit, and Sweet: And that my
'Forbearance is but till this Union may be
'gained.'

'How agreeable this is to the Truth, judge
'you; and that, not by my Word, but by my
'Actions. Do I crave the Union, without Ex-
'ceptions? Do I not offer to bind myself, and
'to reserve to you, as in the Instrument, all
'Places of Judicature? Do I intend any Thing,
'which standeth not with the equal Good of
'both Nations? I could then have done it, and
'not spoken of it; for all Men of Understand-
'ing must agree, that I might dispose, without
'Assent of Parliament, Offices of Judicature,
'and others, both Ecclesiastical and Temporal:
'But herein I did voluntarily offer, by my Letters
'from *Roxton* to the Commissioners, to bind my
'Prerogative.'

'Some think, that I will draw the *Scottish* Na-
'tion hither; talking idly of transporting of
'Trees out of a barren Ground into a better;
'and of lean Cattle out of bad Pasture into a more
'fertile Soil. Can any Man displant you, un-
'less you will? Or can any Man think, that
'*Scotland* is so strong, to pull you out of your
'Houses?

An. 5 James I.
1607.

Houses? Or do you not think, I know *England* hath more People; *Scotland* more waste Ground; so that there is Room in *Scotland*, rather to plant your idle People; that swarm in *London* Streets, and other Towns; and disburthen you of them, than to bring more unto you? And in Cases of Justice, if I be partial to either Side, let my own Mouth condemn me, as unworthy to be your King.

I appeal to yourselves, if in Favour or Justice I have been partial: Nay; my Intention was ever, you should then have most Cause to praise my Discretion, when you saw I had most Power. If hitherto I have done nothing to your Prejudice, much less mean I hereafter. If when I might have done it, without any Breach of Promise; think so of me, that much less will I do it, when a Law is to restrain me. I owe no more to the *Scottishmen* than to the *English*: I was born there, and sworn here; and now reign over both. Such particular Persons of the *Scottish* Nation, as might claim any extraordinary Merit at my Hands, I have already reasonably rewarded; and I can assure you, that there is none left, for whom I mean extraordinary to strain myself, further than in such ordinary Benefit, as I may equally bestow, without mine own great Hurt, upon any Subject, or either Nation; in which Case, no King's Hands can ever be fully closed. To both I owe Justice; and Protection; which, with God's Grace, I shall ever equally balance. For my Liberality, I have told you of it heretofore: My three first Years were to [them] (1) as a *Christmas*: I could not then be miserable. Should I have been over-sparing to them, they might have thought, *Joseph* had forgotten his Brethren; or that the King had been drunk with his new Kingdom. But Suits go not so cheap, as they were wont; neither are there so many Fees taken in the Hamper and Petty-

(1) Deest in Orig.

Petty-Bag, for the Great Seal, as hath been ; An. 5 James I.
 and if I did respect the *English*, when I came first, 1607.
 of whom I was received with Joy, and came as
 in a hunting Journey ; what might the *Scottish*
 have justly said, if I had not, in some Measure,
 dealt bountifully with them, that so long had
 served me, so far adventured themselves with me,
 and been so faithful to me. I have given you
 now four Years Proof, since my Coming ; and
 what I might have done more, to have raised
 the *Scottish* Nation, you all know ; and the long-
 er I live, the less Cause have I to be acquainted
 with them, and so the less Hope of extraordinary
 Favour towards them : For, since my Coming
 from them, I do not already know the one half
 of them by Face ; most of the Youth being now
 risen up to be Men, who were but Children,
 when I was there ; and more are born since my
 Coming thence. Now, for my Lands, and Re-
 venues of my Crown, which you may think I
 have diminished ; they are not yet so far di-
 minished, but that I think no Prince in *Christen-*
dom hath fairer Possessions to his Crown, than
 yet I have ; and, in Token of my Care to
 preserve the same to my Posterity for ever, the
 Entail of my Lands to the Crown hath been
 long ago offered unto you ; and that it is not
 yet done, is not my Fault, as you know. My
 Treasurer here knoweth my Care, and hath al-
 ready, in Part, declared it ; and if I did not
 hope to treble my Revenue more than I have
 impaired it, I should never rest quietly in my
 Bed. But, notwithstanding my coming to the
 Crown with that extraordinary Applause, which
 you all know, and that I had two Nations to be
 the Objects of my Liberality, which never any
 Prince had here before ; will you compare my
 Gifts, out of mine Inheritance, with some Prin-
 ces here, that had only this Nation to respect ;
 and whose whole Time of Reign was little long-
 er than mine hath been already ; it will be
 found, that their Gifts have far surpassed mine,
 albeit,

Am 3 James I.
1607.

albeit, as I have already said, they had nothing
so great Cause of using their Liberality.

Secondly, for the Manner of the Union, presently desired, it standeth in three Parts: The first, taking away of hostile Laws: For since there can be no Wars betwixt you, is it not Reason, hostile Laws should cease? For, *deficit ante Causa, deficit Effectus*. The King of *England* now cannot have Wars with the King of *Scotland*; therefore this fails of itself. The second is, Community of Commerce. I am no Stranger unto you; for you all know, I came from the Loins of your ancient Kings. They of *Scotland* be my Subjects as you are; but how can I be natural liege Lord to you both, and you Strangers one to the other? Shall they, which be of one Allegiance with you, be no better respected of you, nor freer amongst you, than *Frenchmen* and *Spaniards*? Since I am Sovereign over you both, as Subjects to one King, it must needs follow, that you converse and have Commerce together. There is a Rumour of some ill Dealings, that should be used by the Commissioners, Merchants of *Scotland*. They be here in *England*, and shall remain till your next Meeting, and abide Trial, to prove themselves, either honest Men, or Knaves.

Thirdly, for the third Point, of Naturalization; all you agree, that they are no Aliens, and yet will not allow them to be natural. What Kind of Prerogative will you make? But for the *Post-Nati*, your own Lawyers and Judges, at my first coming to this Crown, informed me; there was a Difference between the *Ante* and the *Post-Nati* of each Kingdom; which caused me to publish a Proclamation, that the *Post-Nati* were naturalized (*ipso facto*) by the Accession to this Crown. I do not deny, but Judges may err; as Men; and therefore I do not press you here to swear to all their Reasons: I only urge, at this Time, the Conveniency for both Kingdoms; neither pressing you to judge, nor to be judged!

But

But remember also, it is as possible, and likely, your own Lawyers may err, as the Judges. Therefore, as I wish you to proceed here in so far as may tend to the Weal of both Nations; so would I have you, on the other Part, to beware to disgrace, either my Proclamation, or the Judges; who, when the Parliament is done, have Power to try your Lands and Lives; for so you may disgrace both your King and your Laws: For the doing of any Act, that may procure less Reverence to the Judges, cannot but breed a Looseness in the Government, and a Disgrace to the whole Nation. The Reason, that most moves me, for ought I have yet heard, that there cannot but be a Difference between the *Ante-nati* and the *Post-nati*, and that in the Favour of the last, is, that they must be nearer unto you, being born under the present Government, and common Allegiance. But in Point of Conveniency, there is no Question, but the *Post-nati* are more to be respected; for if you would have a perfect and perpetual Union, that cannot be in the *Ante-nati*, who are but few in Comparison of those, that shall be in all Ages succeeding, and cannot live long; but in the *Post-nati* shall the Union be continued, and live ever, Age after Age; which, wanting a Difference, cannot but leave a perpetual Mark of Separation in the Work of the Union: As also that Argument of Jealousy will be so far removed in the Case of the *Post-nati*, which are to reap the Benefit in all succeeding Ages, as, by the contrary, there will then arise *Pharaohs*, which never knew *Joseph*; the Kings, my Successors, who, being born and bred here, can never have more Occasion of Acquaintance with the *Scottish* Nation in general, than any other *English* King, that was before my Time. Be not therefore abused with the flattering Speeches of such, as would have the *Ante-nati* preferred; alledging their Merit in my Service, and such other Reasons, which indeed are but Sophisms:

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FOR

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For my Rewarding, out of my Liberality, of any particular Men, hath nothing adoe with the general Act of the Union which must not regard the Deserts of private Persons, but the general Wealth and Conjoining of the Nations. Besides that, the actual Naturalizing, which is the only Point, that is in your Hands, is already granted to by yourselves to the most Part of such particular Persons, as can have any Use of it here; and if any other well-deserving Men were to sue for it hereafter, I doubt not, but there would never be Question moved among you, for the granting of it. And therefore it is most evident, that such Discourfers have *Mel in Ore, Fel in Corde*, as I said before; carrying an outward Appearance of Love to the Union, but indeed a contrary Resolution in their Hearts. And as for Limitations, and Respectations, such as shall by me be agreed upon to be reasonable and necessary, after you have fully debated upon them; you may assure yourselves, I will with Indifferency grant what is requisite, without partial Respect of *Scotland*. I am, as I have often said, born, and sworn, King over both Kingdoms: Only thus far let me intreat you, in debating the Point at your next Meeting, that ye be as ready to resolve Doubts, as to move them, and to be satisfied, when Doubts are cleared.

And as for Commodities, that come by the Union of these Kingdoms, they are great and evident; Peace, Plenty, Love, free Intercourse, and common Society of two great Nations. All foreign Kings, that have sent their Ambassadors to congratulate with me, since my Coming, have saluted me, as Monarch of the whole Isle, and with much more Respect of my Greatness, than if I were King alone of one of these Realms: And with what Comfort do yourselves behold, *Irish, Scottish, Welch, and English*, divers in Nation, yet all walking as Subjects and Servants within my Court, and all living under the Allegiance of your King; besides the Honour and
Lustre,

‘ Lustre, that the Increase of gallant Men in the An. 5 James I.
 ‘ Court, of divers Nations, carries in the Eyes of 1607.
 ‘ all Strangers, that repair hither? Those confin-
 ‘ ing Places, which [were] the Borders of the
 ‘ two Kingdoms; where heretofore much Blood
 ‘ was shed, and many of your Ancestors lost their
 ‘ Lives; yea, that lay waste and desolate, and
 ‘ were Habitations but for Runagates, are now
 ‘ become the Navel or Umbilick of both King-
 ‘ doms, planted and peopled with Civility and
 ‘ Riches: Their Churches begin to be planted;
 ‘ their Doors stand now open; they fear neither
 ‘ robbing nor spoiling; and where there was no-
 ‘ thing before heard, nor seen, in those Parts, but
 ‘ Bloodshed, Oppressions, Complaints, and Out-
 ‘ cries, they now live every Man peaceably under
 ‘ his own Fig-tree; and all their former Cries and
 ‘ Complaints turned only into Prayers to God for
 ‘ their King, under whom they enjoy such Ease
 ‘ and happy Quietness. The Marches beyond,
 ‘ and on this Side *Tweed*, are as fruitful, and as
 ‘ peaceable as most Parts of *England*. If, after
 ‘ all this, there shall be a Scissure, what Inconve-
 ‘ nience will follow, judge you.’

‘ And as for the Inconveniences, that are feared
 ‘ on *England’s* Part, it is alledged, that the *Scots*
 ‘ are a populous Nation; they shall be harboured
 ‘ in our Nest; they shall be planted and flourish
 ‘ in our good Soil; they shall eat our Commons
 ‘ bare, and make us lean. These are foolish and
 ‘ idle Surmises. That, which you possess, they
 ‘ are not to enjoy; by Law they cannot, nor by
 ‘ my Partiality they shall not: For, set apart
 ‘ Conscience and Honour (which if I should set
 ‘ apart indeed, I had rather with myself to be set
 ‘ apart, and out of all Being) can any Man con-
 ‘ clude, either out of common Reason, or good
 ‘ Policy, that I will prefer those, which perhaps
 ‘ I shall never see, or but by Post, for a Month,
 ‘ before those, with whom I must always dwell?
 ‘ Can they conquer or overcome you with Swarms
 ‘ of People, as the *Goths* and the *Vandals* did

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Italy? Surely the World knows, they are nothing so populous as you are; and although they have had the Honour, and good Fortune, never to be conquered; yet were they ever but upon the defensive Part, and may, in a Part, thank their Hills and inaccessible Passages, that preserved them from an utter Overthrow, at the Hands of all, that pretended to conquer them. Or are they so very poor and miserable in their own Habitations, that Necessity should force them all to make Incursions among you? And for my Part, when I have two Nations under my Government, can you imagine, I will respect the lesser, and neglect the greater? Would I not think it a less Evil and Hazard to me, that the Plague were at *Northampton*, or *Berwick*, than at *London*, so near *Westminster*, the Seat of my Habitation, and of my Wife and Children? Will not a Man be more careful to quench the Fire taken in his nearest Neighbour's House, than if a whole Town were a-fire far from him? You know, that I am careful to preserve the Woods, and Game, through all *England*, nay, through all the Isle; yet none of you doubts, but that I would be more offended with any Disorder in the Forest of *Waltham*, for stealing of a Stag there, which lieth, as it were, under my Nose, and in a Manner joineth with my Garden, than with cutting of Timber, or stealing of a Deer, in any Forest of the North Parts of *Yorkshire*, or the *Bishoprick*. Think you, that I will prefer them, that be absent, less powerful, and farther off to do me Good, or Hurt, before you, with whom my Security and Living must be, and where I desire to plant my Posterity? If I might, by any such Favours, raise myself to a Greatness, it might be probable: All I cannot draw; and to lose a whole State here, to please a few there, were Madness. I need speak no more of this with Protestations: Speak but of a Wit, it is not likely; and to doubt

'doubt of my Intention [in this, were more than An. 5. James I.
'devilish.' 1607.

'For mine own Part, I offer more, than I receive; and Conveniency I prefer before Law, in this Point. For three Parts, wherein I might hurt this Nation, by Partiality to the *Scots*, you know, do absolutely lie in my Hands and Power: For either in Disposition of Rents, or whatsoever Benefit, or in the Preferring of them to any Dignity or Office, civil or ecclesiastical, or in calling them to the Parliament; it doth all fully and only lie within the Compass of my Prerogative; which are the Parts, wherein the *Scottish-men* can receive either Benefit, or Preferment, by the Union; and wherein, for the Care I have of this People, I am content to bind myself with some reasonable Restrictions.'

'As for the fourth Part, the Naturalizing, which only lieth in your Hands; it is the Point, wherein they receive least Benefit of any: For in that they can obtain nothing, but what they buy by their Purse, or acquire by the self-same Means, that you do. And as for the Point of Naturalizing, which is the Point thought so fit, and so precisely belonging to Parliament; not to speak of the Common Law, wherein as yet, I can profess no great Knowledge; but in the Civil Law, wherein I am a little better versed, and which, in the Point of Conjunction of Nations, should bear a great Sway, it being the Law of Nations, I will maintain two Principles in it, which no learned and grave Civilian will deny; as being clearly to be proved, both out of the Text itself, in many Places, and also out of the best approved Doctors and Interpreters of that Law: The one, that it is a special Point of the King's own Prerogative, to make Aliens Citizens, and *donare Civitate*: The other, that in any Case, wherein the Law is thought not to be cleared (as some of yourselves do doubt, that, in this Case of the *Post-nati*, the Law of *England* doth not clearly determine) then in such a

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‘ Question, wherein no positive Law is resolute,
‘ *Rex est Juxta*; for he is *Lex loquens*, and is to
‘ supply the Law, where the Law wants: And if
‘ many famous Histories be to be believed, they
‘ give the Example, for maintaining of this Law,
‘ in the Persons of the Kings of *England* and
‘ *France* especially, whose special Prerogative they
‘ alledge it to be. But this I speak only, as know-
‘ ing what belongeth to a King; although in this
‘ Case I press no further, than that, which may
‘ agree with your Loves, and stand with the Weal
‘ and Conveniency of both Nations.’

‘ And whereas some may think, this Union
‘ will bring Prejudice to some Towns and Corpora-
‘ tions within *England*; it may be, a Merchant or
‘ two of *Bristol*, or *Yarmouth*, may have an hun-
‘ dred Pounds less in his Pack; but if the Empire
‘ gain, and become the greater, it is no Matter.
‘ You see one Corporation is ever against another;
‘ and no private Company can be set up, but with
‘ some Loss to another.’

‘ Fourth: For the supposed Inconveniencies ris-
‘ ing from *Scotland*, they are three: First, that
‘ there is an evil Affection in the *Scottish* Nation
‘ to the Union: Next, the Union is incompatible
‘ between two such Nations: Thirdly, that the
‘ Gain is small, or none: If this be so, to what
‘ End do we talk of an Union?’

‘ For Proof of the first Point, there is alledged
‘ an Averseness in the *Scottish* Nation, expressed in
‘ the Instrument, both in the Preface and Body of
‘ their Act: In the Preface, where they declare,
‘ that they will remain an absolute and free Mon-
‘ archy; and in the Body of the Act, where
‘ they make an Exception of the ancient funda-
‘ mental Laws of that Kingdom.’

‘ And first, for the General, of their Averse-
‘ ness. All the main Current in your Lower
‘ House ran this whole Session of Parliament with
‘ that Opinion, that *Scotland* was so greedy of this
‘ Union, and apprehended, that they should re-
‘ ceive so much Benefit by it, as they cared not

for

‘ for the Strictness of any Conditions, so they
‘ might attain to the Substance; and yet you now
‘ say, they are backwards, and averse from the
‘ Union. This is a direct Contradiction in ad-
‘ jecto: For how can they both be Beggars and
‘ backwards, in one and the self-same Thing, at
‘ the same Time?

‘ But, for Answer to the Particulars, it is an
‘ old School Point, *Ejus est explicare, cujus est con-*
‘ *dere*: You cannot interpret their Laws, nor they
‘ yours: I, that made them, with their Assent,
‘ can best expound them.’

‘ And first, I confess, that the *English* Parlia-
‘ ments are so long, and the *Scottish* so short, that
‘ a Mean between them would do well: For the
‘ Shortness of their continuing together was the
‘ Cause of their hasty Mistaking, by setting these
‘ Words, of Exception of fundamental Laws, in
‘ the Body of the Act; which they only did, in
‘ pressing to imitate, Word by Word, the *English*
‘ Instrument, wherein the same Words be con-
‘ tained in your Preface. And as to their Mean-
‘ ing and Interpretation of that Word; I will not
‘ only deliver it unto you, out of mine own Con-
‘ ceit, but as it was delivered unto me by the
‘ Lawyers of *Scotland*, both Counsellors, and other
‘ Lawyers, who were at the making thereof in
‘ *Scotland*, and were Commissioners here for Per-
‘ formance of the same.’

‘ Their Meaning in the Word, of fundamental
‘ Laws, you shall perceive more fully hereafter,
‘ when I handle the Objection of the Difference
‘ of Laws; for they intend thereby only those
‘ Laws, whereby Confusion is avoided, and their
‘ Kings Descent maintained, and the Heritage of
‘ the Succession and Monarchy, which hath been
‘ a Kingdom, to which I am descent, three hundred
‘ Years before *Christ*; not meaning it, as you do,
‘ of their Common Law; for they have none, but
‘ that, which is called *Jus Regis*: And their Desire
‘ of continuing a free Monarchy, was only meant,
‘ that all such particular Privileges (whereof I

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(spake before) should not be so confounded, as, for want either of Magistrate, Law, or Order, they might fall into such a Confusion, as to become like a naked Province, without Law or Liberty, under this Kingdom. I hope you mean, not, I should set Garrisons over them, as the *Spaniards* do over *Sicily* and *Naples*; or govern them by Commissioners, which are seldom found succeedingly all wise and honest Men. This I must say for *Scotland*, and I may truly vaunt it; here I sit, and govern it with my Pen; I write, and it is done; and by a Clerk of the Council I govern *Scotland* now, which others could not do by the Sword. And for their Averseness in their Hearts against the Union; it is true indeed, I protest, they did never crave this Union of me, nor sought it, either in private, or the State by Letters, nor ever once did any of that Nation press me forward, or wish me to accelerate that Business; but on the other Part, they offered always to obey me, when it should come to them; and all honest Men, that desire my Greatness, have been thus minded, for the personal Reverence and Regard they bear unto my Person, and any of my reasonable and just Desires. I know there are many Bigotts amongst them, I mean a Number of seditious and discontented particular Persons, as must be in all Commonwealths, that where they dare, may peradventure talk lewdly enough; but no *Scottishman* ever spake dishonourable of *England* in Parliament. For here must I note unto you the Difference of the two Parliaments in these two Kingdoms: For there they must not speak, without the Chancellor's Leave; and if any Man do propound or utter any seditious or uncomely Speeches, he is straight interrupted and silenced by the Chancellor's Authority; whereas here, the Liberty for any Man to speak what he list, and as long as he list, was the only Cause he was not interrupted.

{ It hath been objected, that there is an Antipathy of the Laws and Customs of these two Nations,

‘ Nations. It is much mistaken ; for *Scotland* hath
 ‘ no Common Law, as here ; but the Law they
 ‘ have, is of three Sorts :

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‘ All the Law of *Scotland* for Tenures, Wards
 ‘ and Liveries, Signiories, and Lands, are drawn
 ‘ out of the Chancery of *England* ; and for Mat-
 ‘ ters of Equity, and in many Things else, differs
 ‘ from you, but in certain Terms. *James* the
 ‘ first, bred here in *England*, brought the Laws
 ‘ thither, in a written Hand.’

‘ The Second is Statute Laws, which be their
 ‘ Acts of Parliament ; wherein they have Power,
 ‘ as you, to make and alter Laws ; and those may
 ‘ be looked into by you ; for I hope you shall be
 ‘ no more Strangers to that Nation : And the prin-
 ‘ cipal Work of this Union will be to reconcile the
 ‘ Statute Laws of both Kingdoms.’

‘ The Third is the Civil Law. *James* the
 ‘ fifth brought it out of *France*, by establishing
 ‘ the Sessions there, according to the Form of the
 ‘ Court of Parliament of *France*, which he had
 ‘ seen in the Time of his being there ; who oc-
 ‘ cupy there the Place of Civil Judges, in all Mat-
 ‘ ters of Plea or Controversy ; yet not to govern
 ‘ absolutely by the Civil Law, as in *France*. For
 ‘ if a Man plead, that the Law of the Nation is
 ‘ otherwise, it is a Bar to the Civil ; and a good
 ‘ Chancellor, or President, will often-times repel,
 ‘ and put to Silence, an Argument, that the
 ‘ Lawyers bring out of the Civil Law, where they
 ‘ have a clear Solution in their own Law : So as
 ‘ the Civil Law, in *Scotland*, is admitted in no
 ‘ other Cases, but to supply such Cases, wherein
 ‘ the Municipal Law is defective. Then may
 ‘ you see, it is not so hard a Matter, as is thought,
 ‘ to reduce that Country to be united with you un-
 ‘ der this Law ; nor yet have they any old Common
 ‘ Law of their own, but such as, in Effect, is
 ‘ borrowed from yours. And for their Statute
 ‘ Laws in Parliament ; you may alter and change
 ‘ them, as oft as Occasion shall require, as you
 ‘ do here.’

‘ It

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‘ It hath likewise been objected, as another Impediment, that, in the Parliament of *Scotland*, the King hath not a Negative Voice, but must pass all the Laws agreed on by the Lords and Commons.’

‘ Of this I can best resolve you; for I am the eldest Parliament Man in *Scotland*, and have sat in more Parliaments, than any of my Predecessors. I can assure you, that the Form of Parliament there is nothing inclined to Popularity. About a twenty Days, or such a Time, before the Parliament, Proclamation is made throughout the Kingdom, to deliver in to the King’s Clerk of Register (whom you here call the Master of the Rolls) all Bills to be exhibited that Session, before a certain Day. Then are they brought unto the King, and perused, and considered by him; and only such, as I allow of, are put into the Chancellor’s Hands, to be propounded to the Parliament, and none others: And if any Man in Parliament speak of any other Matter, than is in this Form first allowed by me; the Chancellor tells him, there is no such Bill allowed by the King.’

‘ Besides, when they have passed them for Laws, they are presented unto me, and, with my Scepter, put into my Hand by the Chancellor, I must say, I ratify and approve all Things done in this present Parliament: And if there be any Thing, that I dislike, they raise it out before. If this may be called a Negative Voice, than I have one, I am sure, in that Parliament.’

‘ The last Impediment is the *French* Liberties; which are thought so great, as, except the *Scots* forsake *France*, *England* cannot be united to them.’

‘ If the *Scottish* Nation would be so unwilling to leave them, as is said, it would not lie in their Hands; for the League was never made between the People, as is mistaken, but betwixt the Princes only, and their Crowns. The Beginning was by a Message from a King of *France*

‘ (*Ghes*

(Charlemagne, I take it; but I cannot certainly
 remember) unto a King of *Scotland*, for a League
 Defensive and Offensive, between us and them,
 against *England*; *France* being at that Time in
 Wars with *England*. The like, at that Time,
 was then desired by *England* against *France*;
 who also sent their Ambassadors to *Scotland*.----
 At the first, the Disputation was long maintain-
 ed in Favour of *England*; that they being our
 nearest Neighbours, joined in one Continent,
 and a strong and powerful Nation, it was more
 fit, for the Weal and Security of the State of
Scotland, to be in League and Amity with them,
 than with a Country, though never so strong,
 yet divided by Sea from us; especially *England*
 lying betwixt us and them, where we might be
 sure of a sudden Mischief, but behoved to abide
 the Hazard of Wind and Weather, and other
 Accidents, that might hinder our Relief. But
 after, when the contrary Part of the Argument
 was maintained; wherein Allegation was made,
 that *England* ever sought to conquer *Scotland*,
 and therefore, in regard of their pretended Interest
 in the Kingdom, would never keep any sound
 Amity with them, longer than they saw their
 Advantage; whereas *France*, lying more re-
 mote, and claiming no Interest in the Kingdom,
 would therefore be found a more constant Friend;
 it was unhappily concluded in Favour of the last
 Party; through which Occasion, *Scotland* got
 many Mischiefs after. And it is, by the very
 Tenor thereof, ordered to be renewed and con-
 firmed, from King to King, successively; which
 accordingly was ever performed by the Media-
 tion of their Ambassadors, and therefore merely
 personal; and so was it renewed in the Queen
 my Mother's Time, only between the two
 Kings, and not by Assent of Parliament, or Con-
 vention of three Estates, which it could never
 have wanted, if it had been a League between
 the People. And in my Time, when it came
 to be ratified, because it appeared to be in odium

tertii,

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tertii, it was by me left unrenewed or confirmed, as a Thing incompatible to my Person, in Consideration of my Title to this Crown. Some Privileges indeed, in the Merchants Favour, for Point of Commerce, were renewed and confirmed in my Time; wherein, for my Part of it, there was scarce three Counsellors more than my Secretary, to whose Place it belonged, that mediated in that Matter. It is true, that it behooved to be enterined (as they call it) in the Court of Parliament of *Paris*; but that only serves for Publication, and not to give it Authority; that Parliament, as you know, being but a judicial Seat of Judges and Lawyers, and nothing agreeing with the Definition or Office of our Parliaments in this Isle. And therefore, that any Fruits or Privileges, possessed by the League with *France*, is able now to remain in *Scotland*, is impossible; for ye may be sure, that the *French* King stays only upon the Sight of the Ending of this Union, to cut it off himself: Otherwise, when this great Work were at an End, I would be forced, for the general Care I owe to all my Subjects, to crave of *France* like Privileges to them all, as *Scotland* already enjoys; seeing the personal Friendship remains as great between us, as between our Progenitors, and all my Subjects must be alike dear unto me; which either he will never grant, and so all will fall to the Ground; or else it will turn to the Benefit of the whole Island: And so the *Scottish* Privileges cannot hold longer, than my League with *France* lasteth.

And for another Argument, to prove, that this League is only between the Kings, and not between the People; they, which have Pensions, or are privy Intelligence-givers in *France*, without my Leave, are in no better Case by the Law of *Scotland*, than though Pensioners to *Spain*.

As for the *Scottish* Guard in *France*, the Beginning thereof was, when an Earl of *Boghan* (b) was

(b) *Sic Orig.* — *Quære Buchan.*

‘ was sent in Aid of the *French*, with ten thousand Men; and there being made Constable, and having obtained a Victory, was murdered, with the most of the *Scottish* Army. In Recompence whereof, and for a future Security to the *Scottish* Nation, the *Scottish* Guard was ordained to have the Privileges and Prerogative, before all other Guards, in guarding the King’s Person.’

‘ And as for the last Point of this Subdivision, concerning the Gain, that *England* may make by this Union; I think no wise, nor honest Man will ask any such Question. For who is so ignorant, that doth not know, the Gain will be great? Do you not gain by the Union of *Wales*? And is not *Scotland* greater than *Wales*? Shall not your Dominions be increased, or Lands, Seas, and Persons, added to your Greatness? And are not your Lands and Seas adjoining? For who can set down the Limits of the Borders, but as a mathematical Line or Idea? Then will that Back-door be shut, and those Ports of *Janus* be for ever closed: You shall have those, that were your Enemies to molest you, a sure Back to defend you; their Bodies shall be your Aids, and they must be Partners in all your Quarrels. Two Snow-balls put together, make one the greater; two Houses joined, make one the larger; two Castle-walls, made in one, makes one as thick and strong as both. And do you not see, in the Low Countries, how available the *English* and the *Scottish* are, being joined together? This is a Point so plain, as no Man, that hath Wit or Honesty, but must acknowledge it feelingly.’

‘ And where it is objected, that the *Scottishmen* are not tied to the Service of the King in the Wars, above forty Days; it is an ignorant Mistaking: For the Truth is, that, in respect the Kings of *Scotland* did not so abound in Treasure and Money, to take up an Army under Pay, as the Kings of *England* did; therefore was the *Scottish* Army wont to be raised only by Proclamation, upon the Penalty of their Breach of Allegiance; so

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as they were all forced to come to the War, like Snails, who carry their House about with them; every Nobleman and Gentleman, bringing with them their Tents, Money, Provision for their House, Victuals of all Sorts, and all other Necessaries, the King supplying them of nothing: Necessity thereupon enforcing a Warning to be given, by the Proclamation, of the Space of their Attendance, without which, they could not make their Provision accordingly; especially as long as they were within the Bounds of *Scotland*, where it was not lawful for them to help themselves by the Spoil or Wasting the Country. But neither is there any Law, prescribing precisely such a certain Number of Days; nor yet is it without the Limits of the King's Power, to keep them together as many more Days as he list; to renew his Proclamations, from Time to Time, some reasonable Number of Days before the Expiring of the former; they being ever bound to serve and wait upon him, though it were an hundredth Year, if need were.

Now, to conclude; I am glad of this Occasion, that I might *Liberare Animam meam*. You are now to recede: When you meet again, remember, I pray you, the Truth and Sincerity of my Meaning; which, in seeking Union, is only to advance the Greatness of your Empire seated here in *England*; and yet with such Caution I wish it, as may stand with the Weal of both States. What is now desired, hath oft before been sought, when it could not be obtained; to refuse it now then, were double Iniquity. Strengthen your own Felicity. *London* must be the Seat of your King, and *Scotland* joined to this Kingdom by a golden Conquest, but cemented with Love, as I said before; which, within, will make you strong against all civil and intestine Rebellion; as, without, we will be compassed and guarded with our Walls of Brass. Judge me charitably, since in this I seek your
equal

‘equal Good; that so both of you might be
 ‘made fearful to your Enemies, powerful in your-
 ‘selves, and available to your Friends. Study
 ‘therefore, hereafter, to make a good Conclusion;
 ‘avoid all Delays; cut off all vain Questions;
 ‘that your King may have his lawful Desire,
 ‘and be not disgraced in his just Ends; and, for
 ‘your Security in such reasonable Points of Re-
 ‘strictions, whereupon I am to agree, ye need
 ‘never doubt of my Inclination: For I will not
 ‘say any Thing, which I will not promise; nor
 ‘promise any Thing, which I will not swear;
 ‘what I swear, I will sign; and what I sign, I
 ‘shall, with God’s Grace, ever perform.’

An. 5 Jan^y 1.
1607.

When the Commons were returned to their
 House, the Speaker signified his Majesty’s Pleasure
 that they should adjourn to the 20th of *April*, on
 account of the *Easter-Holidays*.

The Parliament
adjourned.

During this Intermission, the King’s last Speech
 had been misrepresented by some of the Hearers,
 which obliged him to send for both the Houses
 again, on the 2d of *May*, to clear up those Points
 to them which admitted of a double Meaning.
 Accordingly, the King delivered himself in these
 Words:

They meet a-
gain; and the
King explains
some Doubts in
his former
Speech.

*My Lords, and you Gentlemen of the Lower House
 of Parliament:*

‘IT is the chiefest Comfort of the Sower, to
 ‘sow his Seed in good Ground, where there
 ‘is Hope, it may yield Fruit. Since I last spake
 ‘unto you, I have heard, by common Report,
 ‘with what Applause and good Liking my Speech
 ‘hath been received, and digested: I hope you
 ‘continue in the same Liking still; and I wish,
 ‘my Hope may not be deceived; that my Seed
 ‘hath not fallen into stony, or sandy Hearts;
 ‘whereby what I spake may be mistaken, and
 ‘prove barren, by pre-conceived Opinions; the
 ‘Growth be choaked, forgotten, or carried away
 ‘by the Fowls of the Air, or perverted contrary
 ‘to

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1607.

to my Meaning. For my Part, I can find no Symptoms or Signs in the Lower House, by which I may misjudge them, but that they will proceed in the same Course of particular Preparation, that they began in: As for the Upper House, there hath been no Word spoken of the Matter since your last Meeting. I come not now therefore to persuade that, which is already begun (having no Doubt in either of your Inclinations) but to facilitate, and make the Way fair for your going on. I shall do but the Part of a good Gardener, to prune, and dress, and take away the Weeds and Brambles, that may hinder the springing and budding of this good Plant. And because there are, and may be, divers Explications and Expositions of my Speech, I was desirous to explain myself unto you; for (as I said in my former Speech) *ejus est explicare, cujus est condere*. I have not hindered (c) any Speech; for it is not my Manner, neither have I Time to do it; only, for Order-sake, I will contain all I have to say, under three Heads; viz.

I. To interpret mine own Meaning in my former Speech.

II. * * * * *

III. To endeavour to set before you some Course of Proceeding hereafter.

I. Upon my Speech some have builded Gold and Silver; some, Hay and Stubble: I must be as a Fire to consume and burn up the Hay and Stubble, and to sift out and preserve the Gold and Silver. I understand, that some have interpreted my Words, as expressing a Desire and Proposition of a perfect Union. I have not studied (as I said) to give a full Answer to such Interpreters; but I know you can put a Difference between wise Men and Fools: Fools handle Things either with Subtility, or Ignorance; wise Men, with Substance, and solid Argument.

I pro-

(c) Sic Orig.

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I propounded ever, and so I crave at your Hands an absolute and full Union, but not a perfect Union; such an Union, as must have that Preparation, which is made: And, because I spake of an absolute Union, to say, or think, I wished nothing in the mean Time, were absurd. But it is most true; I ever wished such an Union, as there might be *unus Rex, unus Grex, una Lex*. These Men, that thus interpret; mark them well; and you shall find; that they propound; and pray for that, they would most shun: *Probate Spiritus (q)*; and see, if they give you not gilded Pills; whether they have not *Mel in Ora, Fed in Corde.*

Something must be done, you all confess; the Devil himself cannot deny it: Then what Preparation can you have; or wish; other than hath been? This is but as if a Surgeon should let Blood on the contrary Side; to let out the *Humour.*

You would have a Commission, to prepare for this your perfect Union, when yourselves have, in the Beginning, propounded it, have enacted it, that Commissioners of both Nations should meet and treat; and these Commissioners, of your own Chioice, for your Part, being met, have deliberately propounded, have maturely digested; and have advisedly brought forth something in that Form, whereupon it is fit you should proceed, and now, forsooth, you would have a Commission. I will never grant a Commission: It shall never have my Consent, or Allowance.

I remember a Speech in *Hen. VIII.* Time, in the Parliament House: The King propounded something, which came into the House; one in the House said, That he thought the King's Meaning was good, so as it were according to Law: I pray (my Masters) that I may hear no more of such foolish Diversions, and Aversions,

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O.

It

(q) *Spirits in Ordy.*

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‘ It is merely idle and frivolous, to conceive, that any unperfect Union is desired, or can be granted: It is no more unperfect, as now it is projected, than a Child, that is born without a Beard. It is already a perfect Union in me, the Head. If you wanted a Head, that is me, your King over you all; or if you were of yourselves no Body; then you had Reason to say, it were unperfect; but it is now perfect in my Title and Descent, though it be not an accomplished and full Union; for that Time must ripen and work.’

‘ When a Child is in the Mother’s Womb, though it hath all the Lineaments and Parts of a Body, yet it is but an Embryo, and no Child; and shall be born in his due Time: When it is born, though it then be a perfect Child, yet it is no Man; it must gather Strength and Perfection by Time: Even so it is in this Case of Union. The Union is perfect in me; that is, it is an Union in my Blood and Title; yet but *in Embryone* perfect. Upon the late Queen’s Death, the Child was first brought to Light; but to make it a perfect Man, to bring it to an accomplished Union, it must have Time and Means; and if it be not at the first, blame not me; blame Time; blame the Order of Nature.’

‘ I remember, at the Beginning, when I first craved an Union, my Desire was to have a perfect Union: Then this whole Body drew back; said, It could not be dispatched at once; it were fit it were entered into by little and little; devised all Restrictions they could, to tie it within Bounds; produced sundry Precedents of the like; as * * * * *; and when I would have had a more full and liberal Commission, you bounded it yourselves.’

‘ But how would you have a perfect Union, but by this Preparation? By Bills, by Committee, by Argument: And yet, I say (using our Saviour’s Words) *Hoc facite, aliud non omitte*. Marry! I would not have you think on

‘ at

that to be done To-day, that is to be done To-morrow.' An. 5 James 1607.

' II. The second Part of my Division is, to answer Objections.'

' I. One Objection is, What Gain shall we have by it?

' I thought, I had expressed it sufficiently before. But do they ask, What Gain? Is it not Gain, to add a Nation to this; to make it one great and glorious Empire; to have that People to join their Arms and Strength with you upon all Occasions; to make of half a Land one intire; to add to the Splendor of the King's Court; to turn Curses into Blessings; to turn Blood and Rapine into Peace and Plenty; remembering always, that you have the Blessing of the Seat here, and that this is the Center? But I confess it is good to be sometimes far from the Prince's Court: *Procul a Numine, procul a Fulmine.* But whether that be so here, or no, I appeal to be judged by the Children above six Years old in *London*: I desire, that the Commissioners for these Parts would speak as they find: I desire no other Witnesses, than those, that best know. But if you find, that my Residence here doth Harm, I will make two Offers: One, I will keep my Seat *alternatim*, in the severall Countries; I will stay one Year in *Scotland*, and another here, as some other Kings do, that have severall Kingdoms: The other is, I will keep my Court nearer *Scotland*, at *York*; at some Place thereabouts, so as you and *Scotland* shall be both alike *procul a Fulmine*: And I protest, I will do either of these, if you think it for your Good; and if I shall not see this Union likely to go forward, I will do it howsoever. Observe then the wandering Objections of these Men; consider of the Substance of these Speeches, whether they offer you not gilded Pills. I fear me, they would neither be sound, nor honest, if they be examined and ripped up: For if you mark it, they are no-
O 2 thing

An. s. James I. 1607. ' thing but Iterations of my Speeches, which I would be sorry to hear retorted against me.'

' 1. *Obj.* The second Objection: There can be no Security for such Cautions, as shall be agreed on. To this I cannot tell what to answer; because neither I am well versed nor skilled in your Common-Law, nor you will give Credit to the Judges in that, which they can say in this Point. But I will bring it to this Dilemma; either I can give Security, or I cannot: If I can, why do you not yourselves enter into Consideration of it, and accept it? If I cannot, then must you leave all to me, after the Parliament, to do what I will; and if any Thing light upon you, other than you looked for, you must take, and bear that, which your own Folly hath brought you unto, because you did not prevent it in Time, when it was in your Hands.'

' 3. *Obj.* We must yield them now but a little, because we must keep them in Appetite: For, you say, *Turpius ejicitur, quam non admittitur Hospes.*

' *Answer.* We are not now making Marriages with Spain; this is no new Contract or Bargain, that requires precise Conditions. *Res non est integra.* The Union and Bargain is already made; nothing now to be thought on, or dealt in, but the Means. - It is an idle Thing now to talk of Appetite. It is true, that the Lords commended a perfect Union; but I am sure they ever had Relation to the Instrument, and to the Course that was taken, for proceeding by the Degrees therein propounded; neither did I ever hear, before now, of any Man, that meant other, than this Proceeding upon the first Instrument.'

' Now shall I come to some other Objections, more passionate and violent, but more idle, and of less Weight than the rest. It is affirmed, that the Taking away of hostile Laws is a Donative, a great Grace and Favour; where

' R

‘ it is known, as now they stand, they do press An. 5 James I.
 ‘ yourselves, as well as them of *Scotland*; though, 1607,
 ‘ by the Union that is already made, they lose
 ‘ their Force and Vigour. It is true, that it is
 ‘ fittest to take them away by Parliament, because
 ‘ they were established by Parliament; but all
 ‘ that can be said, is no more, than as if you
 ‘ should say, it is fit to take hostile Laws away,
 ‘ because they are taken away.’

‘ It is said also, that if you deal by Bills, they
 ‘ are like to have a cold Effect; prejudging the
 ‘ good Disposition of the whole House. I am
 ‘ sorry to hear of such Speeches, against Duty, al-
 ‘ most against Allegiance. I know not their
 ‘ Meaning, except they delight to sing with the
 ‘ Owl upon the Bush, &c. It is a strange and
 ‘ ominous Prophecy, for which I know no An-
 ‘ swer, but that I shall pray, that such Swallows
 ‘ bring but one Summer with them. It is no
 ‘ Marvel, if Men of that Coat have neither
 ‘ Hopes nor Fears from me; and fear I shall be
 ‘ well advised, what I do with them. I looked
 ‘ for no such Fruits at your Hands; such personal
 ‘ Discourses, and Speeches; which, of all other,
 ‘ I looked you should avoid, as not becoming
 ‘ the Gravity of your Assembly. I am your
 ‘ King: I am placed to govern you, and shall
 ‘ answer for your Errors: I am a Man of Flesh
 ‘ and Blood, and have my Passions and Affections,
 ‘ as other Men: I pray you, do not too far move
 ‘ me to do that, which my Power may tempt me
 ‘ unto.’

‘ Now for the Course I would have you hold,
 ‘ the third Part of my Division; let it be my Ad-
 ‘ vice, that you do all Things with Reverence;
 ‘ with Love; that it may seem, you have Duty,
 ‘ Respect, and Care to please him, that will, by
 ‘ all his best Endeavours, seek to give you Con-
 ‘ tentment. That Speech of “ Love me little,
 ‘ “ and love me long,” was a damned Speech; for
 ‘ Love and Affection must be ardent, settled upon
 ‘ good Grounds, not removable. Men die, Men
 ‘ grow

An. 5 James I. 1607. ' grow cold ; but daily increase, especially in Bre-
' thren, in two Dugs of one Breast, in Children
' towards their Parents.'

' I would wish you to proceed with Order, and
' with Diligence, and above all, with Love to your
' Sovereign : I say, with the more Diligence ;
' because now the Sickneſs increaſing, the Heat of
' the Year, yea, your own Hay-harveſt, do per-
' ſuade you to make haſte into the Country,
' Make no more Doubts, than is needful ; where-
' ever a Thing is made doubtful, there nothing
' will ever come to Perfection. If any Doubts
' do ariſe, make me acquainted with them ; pour
' them into my Boſom ; I will ſtrive to give you
' Satisfaction : If I cannot answer, or ſatisfy them,
' let the Blame reſt upon me. And, to conclude,
' I deſire, that your Travels may be ſuch, as you
' may procure Strangers to reverence us, our Ene-
' mies to fear us, our Friends to be glad, our
' Subjects to rejoice with you and me ; that the
' World may ſee, there is an Union ſtill in work-
' ing and proceeding : That you beware of all
' fanatical Spirits, all extraordinary, and colour-
' able Speeches ; that there be no Diſtractions,
' nor Diſtempers, among you ; that you breed
' not Contempt to the great Work ſo well begun,
' and Diſcouragement to others, that wiſh well ;
' that you tempt not the Patience of your Prince ;
' and finally, that, with all Speed, you proceed
' with as much as can be done at this Time, and
' make not all you have done, fruſtrate.'

Acts passed.

By what hath been given of this Affair, both
in the former Proceedings of the Lords, and the
later Account of the Debate in the Houſe of Com-
mons, it may well ſeem that the whole Time of this
Session was taken up in the Buſineſs of Union. But
there were alſo ſome ſalutary Laws enacted, be-
ſides, the Act for *abolishing all Hoſtilities*, &c. be-
fore mentioned. Our Statute-Books only give
us thirteen ; whereas the Catalogue, in the Lords
Journals, mention the Titles of above ſixty, pub-
lick

Act and private Bills, which were brought into both Houses this Session; half of which, at least, we may well suppose, were passed into Laws.—

Having been already so particular in our Account of the *Union*, we shall be less circumstantial in other Affairs; and, only, mention one remarkable Act regarding the Trade of the Nation; and which seems to tally with some Circumstances much nearer our own Time.

There was a Bill brought into Parliament this Session, which was intituled, *An Act to explain another, made the last Session of this Parliament, called, An Act to enable all his Majesty's loving Subjects of England and Wales, to trade freely into the Dominions of Spain, Portugal, and France.* This was passed into a Law, and may be seen in the printed Statutes (r). But we find, by the *Journals*, that the first mentioned Nation was not then in such strict Amity with us to suffer a free Trade. For,

On the 16th Day of *May* there was a Message sent from the Lower House to the Lords, by Sir *Edwin Sandys* and others, to this Effect: 'That a Petition, directed to his Majesty and the High Court of Parliament, had been exhibited to them, by several Merchants of this Realm, complaining, grievously, of many intolerable Wrongs and Injuries that had been offered them, by the Subjects of *Spain*, in all Parts Abroad where they trade. As well in taking, and unjustly detaining of their Goods, as in bereaving them of their Liberties; and in the cruel Usage of divers of them; either by committing them to the Gallies, or by other Tortures.' That the Lower House had taken the said Complaint to Heart, and examined the same, as far as they could, not being able to take Examination of the adverse Parties, being of a foreign Nation. Nevertheless, they find that the Particulars of the said Complaint, being twenty in Number, at the least, are for the most Part very just; insomuch, that thereby they conceive that a Dishonour is offered to his Majesty, Wrong to his Subjects,

Complaint
against the De-
predations of the
Spaniards.

O 4

(r) Statutes at large, 4 Jac. I. Cap. IX.

An. 5 James I. 1607. Subjects, and Disreputation to the whole State. That thereupon, they having entered into Consideration of Redress, have thought fit, in regard the Matter concerneth a foreign Nation, that is in Amity with his Majesty and this State (s), to forbear to proceed therein, any otherwise than by Petition to his Majesty. And they earnestly desire their Lordships will be pleased to join with them in this Petition; and, that for the better Information therein, they will allow of a Conference, at such Time and Place as their Lordships shall think fit to appoint. *Answer.* That because the Lords do find the Matter to be of so great Weight, both in regard to Form and Substance, they will take some Time to consider of it maturely, and send them a fuller Answer as soon as they can. But, it was not till the 8th of *June*, that the Lords sent to acquaint the Commons that they had considered of the Case, and desired to see the Petition which the Merchants presented to them; and that then they would return further Answer touching the Conference.

Upon which the Commons desire a Conference with the Lords.

The Petition, which is printed at length in the *Journals* of the Commons, was sent, according to Desire, with certain Reasons and Articles annexed to it. Importing, That they thought it needless to send the Petition before, because, as it was inscribed to the King's Most Excellent Majesty, the Lords Spiritual and Temporal, and to the rest of the Honourable Court of Parliament, they imagined the like had been presented to their Lordships. In the Petition they observed two Points; 1. A Complaint. 2. A Direction for Remedy. That they had only examined the Proofs of the Complainants, not having Power to convene before them the Persons complained of. And, in their Judgments, so far as they could examine, the Complaint was just, the Grievances great, and the Remedy necessary. For the second Point, they had not entertained any Purpose to meddle with that; being more proper for his Majesty's Wisdom and Clemency,

(s) Peace had been proclaimed with Spain, 5th August 1604.

Clemency, whose Subjects were all under his Protection; therefore they leave it wholly to him, and do now, only, renew their former Request that Petition may be made to his Majesty for some such Means of Redress, as, in his princely Wisdom, shall be thought fit.——But, we are not told by the *Journals* whether the Lords joined with the Commons in such a Petition; nor is there one Word of this Matter mentioned in any of our Historians, by which we may learn whether these Grievances were redressed, or not.

June 4th, 1608, the Parliament was prorogued, by Commission, to the 10th of February following; and from that Time, by four other Prorogations to the 9th of February, 1609.

It is remarkable that there was no Supply either asked or granted, in this last Session of Parliament. And, indeed, what was hitherto given, since this King's Accession, bears no Proportion to the heavy Taxes laid on the Subject, at the latter End of the last Reign. *Wilson* insinuates here, 'That the King would not strain the Blood of the Subject by the ordinary Way, lest the Sense of it should bring more Fears and Faintings with it: But, that by laying on little Burdens, at first, he was only injuring them to bear greater, which were preparing for them, in the ensuing Session of Parliament.

In this Interval died *Thomas Sackville*, Earl of *Dorset*, Lord High Treasurer of *England*; and was succeeded in that great Post, by *Robert Cecil*, Earl of *Salisbury* (t), younger Son of the late Lord Treasurer *Burleigh*.

The next Session, of what was still the first Parliament of this King, continued so long; and the Proceedings of it are so much to the Purport of these Enquiries, that the Reader will not blame us for hastening to them as soon as possible. Especially, since there was nothing material that happened

(t) So created, 4th May, 3 Jac. I. with Precedency of his elder Brother *Thomas*, who was the same Day created Earl of *Exeter*. He was one of the Secretaries of State, and a leading Member in the House of Commons in the latter End of the Reign of Queen *Elizabeth*. — See Vol. IV.

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The Parliament
prorogued.

An. 7 James I.
1609.
At Westminster.

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1609. opened in the Interval, but the Arrival of the King of *Denmark* in *England*, whose Reception and magnificent Entertainment here, is amply related by our larger Historians. The first Day of this Session *, viz. *February* 9th, opened with nothing material, but the Introduction of *Robert*, now Earl of *Dorset*, to take his Seat in the House of Lords, in the room of his deceased Father. From which Day, being *Friday*, the Lord Chancellor adjourned the House to the *Wednesday* following.

The Earl of Salisbury lays before the Parliament the King's Necessities.

On that Day the Earl of *Salisbury*, Lord Treasurer of *England*, in a set Speech to the Lords, which he divided into two Parts, took occasion to inform their Lordships, 'First, by making a particular Relation of the State his Majesty was reduced to, both in respect to his present Debts and other Occasions of Expence; and some necessary Means to be considered of for a present Supply for his Wants, and Support of his Royal State in Time to come; which Causes he affirmed were the chief Reason for calling this Session of Parliament. Next, concerning the Prince, who, though already Duke of *Cornwall* by natural Descent, yet was to be created Prince of *Wales* and Earl of *Chester*. For the first again, concerning the State of the King's Debts, &c. his Lordship explained by many substantial Arguments, Reasons, and Precedents, according to the Knowledge he had gained, as proper to his Place of Treasurer; and other Observations. Lastly, he made a Motion that a Message might be sent for this Purpose to the Lower House, for a friendly Conference thereupon.'

A Conference thereupon.

This Motion was agreed to, and a Message to the Commons was sent the same Day, importing, 'That because some Things of extraordinary Nature were the Occasion of calling this Meeting, their Lordships were desirous the Commons should be acquainted with them, since without their Concurrence nothing could be done. That they thought it necessary to treat of these Matters, at first, whereby their Lordships hoped this would prove a Parliament of Consolation. Therefore, they desired

* See the King's Speech at the opening of this Speech, in his Works.

desired a Conference, for Consideration to be had of some necessary Supplies to be granted to his Majesty, for his present Occasions. And, further, signified that their Lordships will join with them, for Retribution to his Majesty, as shall be judged most fit and reasonable.

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The Commons readily accepted of this Proposal; and a Conference, with Time and Place, was agreed on between Committees of both Houses. And the Lords ordered, that the Lord Treasurer should deliver the Substance of what he had, this Day, opened to them at the Committee.

It is not clear, by the *Journals*, what was said or done at the first Conference. There is a long Account of it entered in those of the Commons, in the Reports made by the Solicitor-General, Sir *Francis Bacon*; but the *Items* of them are so short as not to bear a Connection, especially in that of the Public Debts and Disbursements, which are so intricate as not to be understood at all. We shall content ourselves therefore in giving some Account of it from *Wilson*, who tells us, 'That the Plea the Courtiers made Use of, to gain a Supply, was to urge the King's Necessities; which, they said, proceeded from his great Disbursements. That the Three hundred and fifty thousand Pounds due for *Subsidies* in the late Queen's Time, he received with one Hand, and paid away for her Debts with the other; redeeming the Crown-Lands which she had mortgaged to the City. That he had kept an Army of 19,000 Men on Foot in *Ireland*, for some Time, wherein a great Number of the Nobility were Commanders, and other deserving Soldiers, who would have been exposed to Want and Penury if not supplied: For it was not safe for the King to trust the inveterate Malice of a new-reconciled Enemy, without Sword in Hand. The late Queen's Funeral Charges were reckoned up, which they hoped the Parliament would not repine at. The King and Queen, and the Royal Families Retinues and Expences were enlarged in Proportion to their Numbers, and the Dignity of an united

An. 7 James I. united Crown. The late magnificent Entertainment of the King of *Denmark*, for the Credit of the Nation: Besides the Embassadors from foreign Princes, more than ever this Crown received, must find those Entertainments and Gratuities, which are necessary, and are the concurrent and mutual Civilities between Princes (x).'

The Commons
Proposal relating
to Wards and
Tenures.

These and many other Arguments, summed up by this Writer, were made Use of; but yet we find by the *Journals*, that the Commons were not over hasty in granting a Supply. On the 21st of *February* they sent a Message to the Lords, requesting another Conference with their Committee, about the Matter of *Contribution* and *Retribution*, moved at the last Conference, which was agreed to. And, on the 26th, the Lord Treasurer made a Report to the House of what had passed in this last Conference. Wherein he particularly took Notice of a Motion, proposed by the Committee of the other House, 'That his Majesty might be made acquainted, by some of their Lordships, that it was the Desire of the Commons, that some Course might be taken concerning *Wardships* and *Tenures*.' Which being debated among the Lords, they agreed that a select Number of their House should be chosen to acquaint the King with the Commons Request.

On the last Day of *February*, there was a long Debate in the House of *Commons*, on the two Businesses of *Support* and *Supply*; the Heads of which are given in their *Journals*; but are again too intricate to unravel. We shall therefore chiefly follow the *Journals* of the *Lords*, and only give some remarkable Hints from those of the *Commons*, as they fall in our Way; one Instance of which is now before us.

Division on the
Supply.

On the Day before-mentioned, the Result of the Debate, on the *Supply*, was a Division of the House on the Question, Whether it should be put off for that Time or not? It was carried to sit still, only by 160 against 148. It was then moved to say,

(x) *Wilson in Kennet*, Vol. II. p. 681.

say, 'That they were willing to relieve the King's Wants chearfully; Time enough for Retribution afterwards. That the Supply might be postponed, but to support immediately. To intend, was mental Purpose; to give a plain open *English* Answer, that we propose to give somewhat.' On the whole, a Resolution was taken, on a Message from the Lords, to send an Answer to this Purpose; 'That they would think of the Supply in due Time, and doubted not but to give his Majesty good Satisfaction. For the Matter of annual Support, in Lieu of *Wardships* and *Tenures*, when they shall hear from their Lordships about them, they will be ready to join with them in Conference.'

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These *Wardships* and *Tenures*, and some other Grievances to the Subject, which will appear in the Sequel, were the Obstacles that kept back the Supply; and, till they were satisfied in those Points, the Commons seemed to be in no Humour to grant any. The King's Favourites now began to be looked upon with an evil Eye by the People; and he was so profuse in his Presents and Gratuities to them, that some did not stick to say, openly, *That the whole Wealth of England would not serve the King's vast Bounty.*—But now a small Digression on another Subject.

The *Lords Journals* tell us, that on the 27th of *February*, the Commons sent a Message to the Lords to acquaint them, 'That they had taken Notice of a Book, lately published by one Dr. *Cowel*, which they conceived does contain Matters of Scandal and Offence towards the High Court of Parliament; and is otherways of dangerous Consequence and Example. That being desirous there should be a joint Examination of the offensive Contents of the said Book, and some Course taken for the Punishment of the Person who published the same; they therefore desire their Lordships to appoint a Conference for that Purpose.'

The Commons complain of Dr. Cowel's Book tending to advance the Prerogative Royal.

The Lords returned a very civil Answer to this Message; 'That they were willing to join with them in any Cause proper to maintain the Honour

of

An. 7 James I. of that High Court, and to cherish a mutual Correspondence between both Houses, which together make the Body of the Parliament, whereof his Majesty is the Head. They therefore appointed Time and Place for a Conference, not only on the Complaint, but to go again on the Topic of a Supply.'

1609.

Wilson informs us, 'That the Book, here mentioned, which had given Offence, wrote by Dr. *Cowel*, a Civilian, was to prove the Excellence of the Civil Law in Comparison of the Common Law of *England*. That the King had let fall some Expressions at his Table, in Derogation of the latter, and highly extolling the Civil Law before it. At the same Time, declaring his Approbation of a Book, lately writ by Dr. *Cowel* on that Subject. This, says our Author, nettled the great Lawyers much; and had not some of them been raised so high, that they could not, with their Court-Gags, look downwards, it had bred an open Contest. However, adds he, though they did not stir in it themselves, we may suppose they, underhand, stirred up this Prosecution against the Civilian, for fear, that if this Scheme should take Place, they should have their Lessons to learn over again (y).

The King seeming much inclined to these foreign Notions, and somewhat tinged with the Love of Arbitrary Government, it is no Wonder that an *English* Parliament began to think of clipping his Wings in Time: But hitherto every Thing was conducted with the greatest Decency between them.

February the 28th, the Lord Treasurer informed the Lords of the King's Answer to the Message sent to him, at the Desire of the Commons, relating to *Tenures* and *Wardships*. 'That his Majesty reserveth to himself, *tanquam Res integra*, the Power of Affirmative, or Negative, to grant it; as on further Deliberation, he shall see Cause.' Hereupon, it was moved by the Earl of *Northampton*, Lord Privy Seal, 'That in regard the Matter was of great Importance, Respite might be taken for imparting

(y) *Wilson* in *Kennet*, Vol. II. p. 681.

parting his Majesty's said Answer to the Lower House, till To-morrow, on their next Meeting; when some fit Course might be considered of for that Purpose. This Motion being seconded by the Lord Chancellor, it was agreed that no Answer should be returned to the Commons till the next Day. At which Time the Lords were interrupted from considering of the Affair, by another Message from the Commons, importing, That they desired their Lordships to appoint a Meeting of the Committees of both Houses, to receive their Answer touching the Matter of *Support* and *Supply*. The Lords, with much Complaisance, appointed Two that Afternoon for the Purpose.

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1609.

We find that the Lords did not acquaint the Commons with the King's Answer, even at this Conference; it was too ticklish a Point before they were sure of the Supply. And, it may be supposed that some Satisfaction had been then given to the Lords about that Affair; for the very next Day a Message was sent from them to the Commons, to this Effect:

' That whereas the House of Commons, by a Message of late sent from them, had moved their Lordships that his Majesty might be made acquainted, by some of their House, with the Desire of the said Commons, touching the Matter of *Tenures* and *Dependencies on Tenures*; their Lordships had acquainted his Majesty therewith, and received his Answer. And conceiving that the Time appointed this Afternoon, concerning Dr. *Cowel's* Book, may fitly serve both that and imparting his Majesty's Answer, do desire that this Meeting may accordingly serve for both these Purposes. The Commons replied, That they received their Lordships Message very respectfully, and would be ready to attend their Service at the Time and Place appointed.

This Book was called *The Interpreter*; and the Principles of it, from whence the Author deduced his Inferences, were these:

Art. 4. James I.
1609.

Dr. Cowel's ob-
noxious Pesi-
tions.

1. That the King was *solutus a Legibus*, and not bound by his Coronation Oath.

2. That it was not, *ex Necessitate*, that the King should call a Parliament to make Laws, but might do it *by his absolute Power* & for *Voluntas Regis* was *Lex Populi*.

3. That it was *a Favour* to admit the Consent of his Subjects, in giving of *Subsidies*.

There was also another Book, complained of by the Commons, wrote by one Dr. *Blackwood*; about this Time, which concluded, 'That we are all *Slaves* by reason of the Conquest (z).

March the 3d, the Lord Chancellor reported to the House of Lords the Substance of what was delivered, by the Committee of the Lower House, at Yesterday's Conference, on the Points of *Supply* and *Support*. 'That the Commons had expressed a tender Feeling towards his Majesty's Wants, and a due Regard to relieve them. But they could not conceive, as they affirmed, how it could be done in any other Way than by *Subsidy*. Which being proper to be first moved in the House of Commons; they will consider of a fit Resolution and proceed therein in due Time. That, as to the other Point of *Support*, they hold this Matter to be most considerable, and therefore proper for the Lords; of which they expect to be informed from them at their Convenience.'

Then the Lord Privy Seal declared to the House what had passed in the Conference relating to Dr. *Cowel's* Book. 'That the Attorney-General; in delivering the Sense of the Lower House, did very modestly and discreetly lay open the Offence taken against the Party, and the dangerous Consequence of the Book.' Afterwards the Bishop of *London* (a) read the particular Exceptions which the Commons had made to it; which were; 1. On the Word *Subsidy*; 2. On the Word *King*; 3. On the Word *Parliament*; 4. On the Word *Prerogative*. On all which Words the said Dr. *Cowel* had so unadvisedly

(z) *Petyt's Miscell. Parl.* p. 64.

(a) *George Abbot. Le Neve.*

advisedly enlarged himself, as the Commons apprehended that the same was very offensive, and of dangerous Consequence.

An. 7 James I.
1609.

On this Report, the Lords took a little Time to consider, and then thought proper to send a Message to the other House, to desire another Conference about this Book, and in the mean Time ordered their Clerk to seek Precedents of that Kind, and faithfully to acquaint the House therewith. The next Day the Lord Treasurer informed the Lords, ' That his Majesty had taken Notice of this Matter; and had lately perused the Places in the Book to which Exceptions were taken. That he had called the said *Cowel* before him, and heard his Answers thereunto; and, having duly considered of the Errors committed by the Author, in that Behalf, was graciously pleased to deliver his Judgment and Resolution to the Lords, to be by them communicated to the Committee of the Commons.'

The Prosecution of Dr. Cowel dropt, by the King's Interposition.

We are not told by the *Journals* what this Resolution was; but it may be supposed to finish the Business, for there is no more Mention made of it. Grievances of a much higher Nature now embarrassed the Thoughts of both King, Lords, and Commons; which were that of *Tenures*, and *Dependency on Tenures*, already spoken of, and other Branches of the Prerogative which will fall in the Sequel.

Proceedings in relation to Tenures, &c.

Some Conferences had already passed, between the two Houses, when the Affair of *Cowel's* Book was on the Carpet, about *Tenures*. And, March the 10th, the Lord Privy Seal made a Report to the Lords of what had been done at the last Conference. His Lordship observed, ' That the Committee of the Commons insisted chiefly on three particular Points, in the Debate, on which the Matter of *Tenures* depended. These Points were *Honour*, *Conscience*, and *Utility*; to the last of these they said, That since his Majesty, out of the Greatness of his Mind, had been pleased to set it aside; so they, in their Duties, would urge it no further than otherwise it should be meet. And it would be most proper to treat of that when the other two

An. 7 James I. of Honour and Conscience should be discussed. These
 3609. last two they confessed were of much Weight; speaking in most reverend and tender Manner of his Majesty's Honour; and likewise affirming, that it was far from them to put any Thing into the clear Spring of his Conscience. Therefore their Conclusion was, That his Majesty might be addressed by their Lordships to accelerate his Answer concerning this Matter of Tenures, as soon as conveniently he might; yet submitting themselves wholly to his gracious Pleasure.'

Upon hearing this Report, the Lords agreed to address his Majesty, as the Commons desired; a Committee was ordered for that Purpose; and the Lord Privy Seal enjoined to deliver the Contents of it to the King, and bring back his Majesty's Answer.

March the 12th, the aforesaid great Officer very amply reported to the House the Answer his Majesty was pleased to give to the Committee appointed to address him, on the Request of the Commons, about Tenures, &c. And said, that his Majesty, strictly observing every Point thereof, was pleased to give his Answer in Effect following:

' That although he took good Notice of the
 ' Distinction of Time, when the Matter was first
 ' moved, and the present; and that there are infinite Affairs as well of State as others of Parliament, which keep them still in Exercise. Yet,
 ' in respect of the Humility, dutiful Carriage,
 ' Discretion and Judgment of the Lower House,
 ' shewed in this Matter; of the Wisdom of the
 ' Lords in moving it; and, lastly, the Season of
 ' the Year; his Majesty had thought of those
 ' Particulars, and was pleased that they should
 ' treat of the Business; and that the Lower House
 ' should have speedy Notice of his Pleasure therein. Furthermore, his Majesty mentioned some
 ' other Business in Hand this Parliament; and
 ' first, of Grievances, which he declared himself
 ' to be so willing effectually to redress, that altho'
 ' he doubted not the good Disposition of his Posterity,

city, yet he is desirous to provide, *That if they* An. 7 James I.
should have Will, they may not have Power again 1609.
to grieve the People.

This most gracious Answer being delivered, the Lord Chancellor put the House in Mind of the Supply; which was spoke of by the Commons at the last Conference. And thereupon moved, that the Lower House might be made acquainted with his Majesty's Answer about *Tenures*, as soon as possible. This was agreed to, and the Answer was delivered to the Commons that Afternoon.

Great was the Joy which the House of Commons expressed on this gracious Return to their Request; which they signified to the King by the Mouth of their Speaker, attended by the whole House. The House of Lords too did the same by the Chancellor; but, we find by the *Journals*, that he was unwilling to undertake the Employment, *ex Ore*, and desired to have it in Writing; which the Lords would not consent to, but trusted to the Chancellor's Wisdom and Understanding of the Matter, to dress it up as he pleased.

And now both Houses proceeded warmly in their Conferences about *Grievances*. On the 29th of *March*, the Lord Treasurer reported to the Lords what was done at the last; and how far the Committee of the Lower House had proceeded in the Matter of *Tenures*, to this Effect:

First, His Lordship observed that Mr. Recorder of *London* declared, That Ease and Convenience had led the Commons to seek this Matter of *Tenures* and their Dependents; that Love and Loyalty had caused them to take the Course therein they had done; and that having now the King's Answer, which was a Licence to treat of that Business, they departed, joyful in their Hearts, like the Sons of *Emaus*.——That this Matter consisted of four considerable Points: 1. What they desire: 2. What they would offer: 3. How they would levy it: 4. How they may have Security for what they seek. That of the two first, they had determined in this Sort; viz, That *Knights*
R 2 *Service*,

An. 8 James I. Service, generally, might be turned into *free and*
1610. *common Soccage.*

Next follows in the *Journals*, a long Account of those particular Grievances, relating to *Tenures*, the Commons wanted to have redressed. But, as these Complaints and several more, concerning the *Prerogative Royal*, are all amply recapitulated at the End of this Session, we shall postpone them till we arrive at that Period. Only, observing here, that the Retribution the Commons offered to the King, in Lieu of these Perquisites of the Crown, was 100,000*l.* yearly; wherein they included all the *Esse* and *Posse*, which the King ever had, in the Matters aforesaid, to be compounded for.

After the Lord Treasurer had made the foregoing Recital to the Lords, it was *Resolved*,

‘ That to the End that House might better examine every Particular, so desired, and the several Values of them; and thereupon consider of the Offer made, in order to be better prepared to take farther Course of proceeding with the Lower House; the Lords should go into a Committee of the whole House thereupon.-----But, *Easter* now approaching, and the Parliament being thereupon adjourned, it was not till the 18th of *April* that this Matter of *Tenures* was again resumed by the Upper House. And, on a Motion of the Lord Treasurer, because his Majesty had not signified his Pleasure to that House how far he likes of these Proceedings; therefore he moved that a Committee of Lords should be appointed to wait on the King, and to understand from him whether he shall be pleased to approve of this Scheme of parting with *Tenures*, &c. or not?

A Committee being appointed accordingly, consisting of all the great Officers of State, &c. *April* 20th, after a Call of the House of Lords, and a severe Admonition from the Chancellor, for due Attendance, the Lord Treasurer reported his Majesty’s Answer, to this Effect:

‘ He

‘ He first took Notice, That the Reason of this An. 8 James I.
present Meeting was to deliberate in what Manner 1610.
to deliver this Answer to the Committee of the
other House. For, he said, that the Business to
which the Answer was made is not ordinary; not
a Grievance, nor yet a Request for Justice, nor
any such Matter, to which the King may or ought
to be urged to any present or certain Answer.
But, that this was a Suit for a valuable Recom-
pence, to be eased of certain Payments and Bur-
dens, by Law justly lying on the Subject, and of
which no Man can justly complain.’ The Mat-
ter requested his Lordship remembered to be this,
That all Tenures, by *Grand Sergeanty*, *Petit Ser-
geanty*, *Knights Service in Capite*, &c. may be turn-
ed into free and common *Soccage*, as of a *Manor*,
which he affirmed was the basest and meanest
Service. Unto this Request his Lordship reported
his Majesty’s Answer to be, *That he would upon no
Terms whatsoever part with any Branch of his So-
vereign Prerogative, whereof the Tenures in Capite,
from his Person, which is all one as of his Crown,
was no small Part. But, touching the Dependence
upon Tenures, such as, Marriage, Wardship, Pri-
mier Seisin, Relief, Respect of Homage, and the
like, which are only the Burdens of Tenures, (the
Honours and Tenures reserved) his Majesty is pleased,
when he shall understand what Recompence will be
offered for them, to give further Answer, towards
contracting for the same, with all convenient Speed.*

Upon this the Judges were asked their Opinion,
‘ Whether the *Tenure of Honour*, &c. may be re-
served to his Majesty, and the *Charge* or Burden,
with other Things of like Nature, be released?’
To which they answered, with Reservation, in the
Affirmative. It was then resolved, ‘ That the
Lord Treasurer should deliver his Majesty’s Answer
to the Committee of the Lower House that After-
noon; and leave the Consideration of the Course
and Means to their Wisdom and Conduct.’

AN. 8 James I.
1610.

May 7th, the Lord Treasurer acquainted the House, ' That neither he, nor their Committee, were at all satisfied with the Proceedings of the Commons, in this Matter. That there was no Freedom of Debate used in their Meetings, which was the only Way to come at a good and speedy End. But, only a written Message read unto them, to which, when any Thing was objected by the Lords, the others were debarred from making any Reply. That the Lords had objected to the Commons, That whereas the Members of that House had offered to give for the Matter of *Wards, Tenures and Dependents thereon*, 100,000 *l. per Annum*, and had received Answer, That his Majesty, as then advised, would not accept it; nor saw any Reason to depart from his first Demand of 200,000 *l. yearly Support*, and 600,000 *l. Supply*: His Occasions being now, in all Appearance, greater than before; especially, as the *Wards* were now desired by them, which were not spoken of before, nor included in the King's Demand. To which the Commons written Answer was, That they had since entered into a Re-examination of the Matter, and *do find no Reason to alter their Offer*. That their Purpose was to have laid the Burden on the Landed Men, when it was moved to them, that they should think on some Course to make up the King's Demand, &c. But they cannot find how so huge a Sum may be levied, without grieving a Number of his Majesty's poorer Subjects. Howbeit, in all reasonable Matters, they will be willing to give his Majesty Satisfaction. Lastly, they acknowledge their great Obligation to him, for giving them more Liberty to treat of these Matters, than ever was granted to any of their Predecessors; and further than that Leave they would not go.

But, in the midst of these Parliamentary Proceedings, in *England*, an Accident happened in *France*, which did not only greatly affect that Kingdom, but the Affairs of all *Europe*. This was the Murder of *Henry IV.* King of *France*, by a determined Villain, in his Coach; in open Day-

Light, and in one of the public Streets of *Paris*. An. 8 James I. 1610.
Our general Historians are copious enough in describing the Circumstances of this execrable Affair, with its Consequences; but, our Business is only to find how far an *English* Parliament was affected by it; since *Henry* was a strong Ally of this Crown, and one great Bulwark of the *Protestant* Cause.

On the 8th Day of *May*, in this Session of Parliament, the Lord Treasurer, in an eloquent Speech, as the *Journals* express it, not without some sensible Passion, in regard of the Matter which he was to deliver, and of the weighty Consequence depending thereon, reported to the House:

‘ That the *French* King, having on *Thursday* last crowned his Queen, and on *Friday* having been at the Palace, and returning from thence to the *Louvre*; accompanied with three Nobles, as he sat with his Back towards the End of the Coach, passing through a narrow Lane, was, at the turning, slain by a base Fellow with a long Knife (*b*). He declared the Manner of his Murder, as he had received the News of it; but the Truth of Circumstances he left to further Intelligence. His Lordship then discoursed on the exceeding Virtues and Vices of the dead King; and that, at his Death, he had a great Army in Readiness. That he was an assured Friend to the King their Sovereign, and to this Realm; and an especial Defence and Wall between the Reformed Religion and its Opposites in *Christendom*. He then shewed them what Cause they had to fear many Inconveniencies by this Loss; and, lastly, he told them the great Necessity there was to provide Treasure, before-hand, against all Chances.’

The Lord Treasurer acquaints the Lords with the Murder of Henry IV. King of France.

To this Declaration the Lord Treasurer added a Motion, That a Message might be sent to the Lower House, which was agreed to, and the Message was to this Effect: ‘ That their Lordships had all this Session found that the House of Commons bore great Respect to theirs, and desiring, likewise, to keep up the good Correspondence between

P 4

them;

(*b*) *May* 3d, *Camden's Annals*.

Apr. 8 James I.
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them; as well knowing that both Houses, though sitting in several Places; yet make but one Body and one great Council, have thought good to acquaint them with an Accident of great Importance, And, because it was something rare, therefore their Lordships desired that such and so many of the Lower House, as they themselves shall select, may presently meet with certain of the Lords, in the *Painted-Chamber*.⁷ Answer was immediately returned that the Commons would instantly attend them.

Which occasions
a Revival of the
Penal Laws a-
gainst Recusants.

We may reasonably suppose that the Commons received this News with as much Consternation as the Lords; and since the Murder of the *French King* was perpetrated by an Enthusiastic *Romanist*, it again alarmed the *English* Parliament with *Papish* Plots, at Home; heightened their Zeal for the Preservation of their own Monarch from such a sudden Fate, and pushed them on to petition the King to put in Force the Laws against *Papists* in England.

May 21st, King James sent a Message to both the Houses, to require their Attendance in the Palace of *Whitehall*, at two in the Afternoon. The *Journals* are silent as to what the King said to them at this Meeting, and as to the Occasion of the Summons; nor are we assisted by any History in this Matter. *Wilson*, indeed, hath given us a dressed up Speech, which he says was delivered by King James to both Houses of Parliament, at *Whitehall*, sometime during this Session. But, since there is not one Word of the preceding great Accident, to so near an Ally, mentioned in it, we may reasonably conclude, that if it ever was spoke at all, it was not at this critical Conjunction. This Author, in telling us that the King observed some Dissensions to arise between the two Houses, and that they began to run counter to his Designs, has made a Pack of Dogs of them all; and has constituted the King the *Huntsman*, or rather the *Whipper in* of the stragling Hounds.-----The Purport of the Speech is to exalt the Prerogative of Kingly Power beyond the Skies, and fix it next to
God

God himself. To endeavour to extenuate his un- guarded Expressions, in Favour of Dr. Cowel's Book; and to run a Parallel between the Excellence of the Civil Law, which he calls *Lex Gentium*, and the Common Law of *England*. To vindicate the *High-Commission-Court*, against which no Complaint had been yet exhibited in Parliament; and, lastly, to urge his Wants, occasioned by the great Expences he had been at since his Coming to the Crown, and to desire a Supply from them (c).-----But since there never was a Report made of any such Speech in the House of Lords, as was then the constant Custom, we may reasonably suppose it an Invention, designed to blacken the Memory of this Prince.

The Business of Supply, was a Thing, indeed, which stuck much with the House of Commons; and they seemed very unwilling to proceed in it, till some, or all of their Grievances were redressed. On the 26th of *May*, the Lords *Journals* inform us that the Lord Treasurer, in another eloquent Speech, took Occasion to put the House in Mind of the chief Motive for calling this Parliament. Which, he said, besides the Celebration of Prince *Henry's* Creation, was to derive from the Subject somewhat towards the Upholding the State of this Monarchy. In which, as his Meaning was well understood, he doubted not but every Man would put it forward. He also informed them that the Necessity of the Supply increased, and much Time was spent; though, notwithstanding, there had not been gained of the Commons so much as to have a free Intercourse of Arguments, but only Messages about it. Wherefore, his Lordship moved, That a speedy Conference should be desired of the Lower House, not with Hope, at this Time, to gain what is wished, but to deliver to them the Convenience and Necessity of such a free Conference. By which Course, he conceived, the Thing might be better infused and spread in that House, than

(c) *Wilson in Kennet*, Vol. II. p. 682.

Rapin's History of England Vol. II. p. 178. *Folio*.

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1610.

than if it was carried unto them by a Person thereunto appointed. He further told the Lords that he understood many of the Lower House were departed; and an Injunction was laid on the Remainder not to conclude any new Thing before the Return of the others. Yet, his Lordship conceived there was a Power left with these that remain to debate other Matters; in which, perhaps, a Persuasion may be wrought to such a Conference as is desired.'

After this, it was resolved that a Message should be sent to the Lower House to desire a Conference, with their Committee, on *Tenures*, &c. and Answer was soon after returned, That the Commons agreed to this Proposal. The Chancellor of the Exchequer, who with others brought this Answer, likewise, informed their Lordships, 'That the Commons had well considered of the Matter which did, at this Time, concern the Safety of his Majesty's Person; and had thought good to propose unto them some Things, in which they desire their Lordships to join with them in Petition to his Majesty.' First,

'That Proclamation be made forthwith, that all *Recusants*, before the 2d of June next, do avoid the City; and resort to such Places where they are by Law confined; and not to remain within ten Miles of the City or Court without Licence.'

'2. That all *Recusants* be disarmed, and their Arms disposed as the Law requireth.'

'3. That no Subject do resort to the House of any Embassador to hear *Mass*.'

'4. That all *Jesuits* be imprisoned, and not permitted to have Conference.'

'5. That the Oath of Allegiance be administered in the Court, by the Lords and others of the Council to all that ought to receive it; and, in the Country, by the Justices of Peace.'

Answer. That the Lords will be ready to join with the Commons, in such a Petition to the King, when they can fix upon a proper Method to do it.

After

After the Messengers were withdrawn, the Lords An. 8 James I.
went into Consultation amongst themselves, how
their Committee should act the next Conference
about the Supply. And, it was agreed that the
Lord Treasurer should open the Matter to the
Commons; and endeavour to shew them the Dif-
ference between a free Conference and a dry Meet-
ing, and the Likelihood of the former's succeed-
ing. Next, to put them in Mind of their first Of-
fer of 100,000 *l. per Annum*, wherein *Purveyance*
was included; and if they desired to have that
given up too, then they must enlarge their Sum.
Lastly, That though his Majesty's Occasions are
increased, since his Demand of 200,000 *l. per An-
num*, yet he was pleased to abate thereof, and
therefore to wish the other Side might advance.
Of all which, if they were willing to debate, then
his Lordship was to shew what the King would fall
to, and to deliver the Opinion of the Committee
of this House which Way it was to be raised. All
the Lords to have Liberty to speak to this Matter
in the Debate, as well as the Treasurer.

May 27th, the Lords presented a Petition, or
Address to his Majesty, for the putting the Laws
in Execution against *Popish Recusants*, &c. And,
on the 30th, the Archbishop of York reported his
Majesty's Answer to it, That he took very gra-
ciously this Motion of the House of Commons, in
regard to his Safety, as proceeding from their Du-
ty and Love; and will, with all convenient Speed,
consider thereof. Accordingly, some few Days
after, a Proclamation came out, commanding all
Romish Priests, Jesuits, and Seminaries, to depart
the Kingdom by the 4th of July next; and all
Recusants to return Home to their Dwellings, not
to come within ten Miles of City or Court, and to
remain confined according to the Statute, in that
Case provided (*d*).

On Saturday the 2d of June, the Lord Chan-
cellor acquainted the House of Lords, That it was
his Majesty's Pleasure they should all attend in their
Robes

(*d*) Continuation of Stowe's Chron. p. 905.

An. 8 James I. Robes at *Whitehall*; in order to be present at the
1610. Creation of the Prince of *Wales*, which was to be
solemnized on *Monday* the 4th of *June*. The
Lords *Journals* have preserved the Form of this
Creation; and, as it is somewhat singular, we shall
transcribe it *Verbatim* from that Authority.

‘ *Die Lunæ 4to Junii*, 1610.

R E X.

<i>Archiepiscopus</i> Ebor.	<i>Dominus</i> Ellesmore, <i>Can-</i>
<i>Episc.</i> London.	<i>cellarius</i> Angliæ.
Durham.	<i>Comes</i> Sarisburiensis.
<i>Cum</i> 16 aliis <i>Epis-</i>	<i>Cum</i> 22 aliis <i>Comitibus</i> ,
<i>copis.</i>	<i>Uno Vicecomite,</i>
	<i>Et</i> 24 <i>Baronibus.</i>

The Form of the
Creation of Hen-
ry Prince of
Wales, &c.

‘ This Day the Chamber, commonly called *Whitehall*, or the Court of Requests, was very richly hung, from the upper End more than half down towards the lower End, where was set up a strong Bar of Timber thwart the Room. In the highest Part of the Room was placed, for his Majesty, a sumptuous Cloth of Estate, and of either Side Scaffolds for Embassadors of foreign Countries. On each Side against the Walls were erected Seats, one above another, for Strangers and noble Personages, with the Lord Mayor and his Brethren in the Midst. Upon Forms and Wool Sacks did sit all the Lords of Parliament, and the Judges in their Robes; and likewise the Officers and Attendants as on the Days of sitting in Parliament. Below the Bar was placed the Speaker’s Chair; Forms on the Ground, and Seats on each Side, one above another, fit and convenient to receive the whole House of Commons. His Majesty being set under his Estate (for whose Coming all the Lords in their Robes and Seats, except such as attended his Person and the Prince, as also the Speaker and all the Lower House did wait and attend;) the Prince, his Highness, honourably attended by divers Noblemen, the Knights of the *Bath*, Officers at Arms, and his own Servants, entered in at the nether End of the House, and was with great State and Solemnity brought up to the Foot-Path before
the

the King; where, kneeling at the first, and then standing, his Highness was, with all due Ceremonies, created Prince of *Wales* and Earl of *Chester*; and a Patent thereof first read by the Lord Treasurer, principal Secretary of his Majesty, and afterwards delivered to him. Which done, and all Ceremonies finished which thereunto appertain, the Prince, his Highness, in great State and Magnificence, some little Time after the King's Majesty, departed the Court at *Whitehall*.²

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Some few Days after were allowed for Triumphs, Masques, Shews, Recreations and other Diversions on this Occasion; all which are amply described by the *Continuator of Stowe's Chronicle*, and others. On the 7th of *June* the Parliament met again, by Adjournment; and the same Day the Lord Chancellor, in a grave Speech, declared to the House of Lords, 'That the great Care which their Lordships and the Lower House had for his Majesty's Safety, had produced a Proclamation, that contained a Clause commanding all Bishops, Justices of Assize, Justices of Peace, and also all others of his Majesty's Officers, whom it may concern, to minister the Oath of Allegiance, according to the Laws. His Lordship further told them, that, according to the Petition of the two Houses, the Lords of the Council had already been sworn by the King himself, in the Presence of the Prince. That the Lower House had generally taken the same Oath; and that it was the King's Pleasure that the Residue of the Lords, Spiritual and Temporal, should do the like.' This was immediately complied with, and all the Lords present were sworn by six of the Privy Council, and the rest as they came to the House some Days after; and the Oaths were likewise administered to different Persons, both Clergy and Laity, all over the Kingdom. Moreover, a Bill was brought in this Session, and passed into a Law, for administering the Oath of Allegiance to *Women*; and for the Reformation of married Women, being Recusants (c).

But

(c) An. 7 Jac. I. Cap. 6. *Statutes at Large*.

An. 2 James I.
1610.

But during the Formalities of these Pageants, &c. the great Affair of redressing Grievances, and granting Supplies, was suspended; and the Season of the Year being now very far advanced, it was supposed that neither of them would be done this Session. The Lords had many Times urged the Commons to come to a free Conference about them, but with no Success; but, *June* the 18th, a Message was sent by the Lower House to the Lords, importing,

Farther Proceedings relating to Tenures, &c.

‘ That they now desired a free Conference with their Lordships, as soon as they pleased to appoint; and that their Lordships should come prepared to give Satisfaction to the Committee of the other House in three Points, *viz.*

1. ‘ What more the Lords would offer unto the Commons to be considered of, above the ten Things already proposed, and above that which they of that House have thought on to be given by Way of Retribution?’

2. ‘ That the Lords would deliver unto them the lowest Price of those Things which they shall have to contract for.’

3. ‘ What Course may be taken, and what Projects their Lordships will propound, for levying that which shall be given, otherwise than upon the Lands?’

The Lords took some Time to consider of this Message, because, as they sent Word to the Commons, the King was to be consulted about it; and they appointed a Committee to wait upon his Majesty accordingly. The King was not over hasty in giving an Answer to a Matter of that great Consequence; and it was not till the 26th of *June* that the Lord Treasurer reported his Majesty’s Answer to the Lords on the three Points above given. To the first he said,

1. ‘ That he durst so far put Confidence in the Lords of the Committee deputed by this House, that he would leave in them an implicit Trust to treat of whatever may tend to the Good and Ease of

of the Subject, without touching his Honour, or taking that from him which he may not spare.'

2. 'To the second, his Majesty is pleased to set a Price, as is desired, but he requireth to have one Night's Respite more, to sleep on it; and this Day he would send his Answer and good Pleasure, in Writing, before the Conference.'

3. 'To the last Point, his Majesty leaveth and doth repose Trust in the Lords to propose, answer and dispute, as they shall think good and see Occasion.'

To this Answer which the Lord Treasurer delivered, the Lord Privy Seal added, 'That his Majesty was likewise pleased to require the Lords, in this Conference, to consider that they are all *Peers* and equal with the Council; and that, accordingly, they will have equal and like Respect and Care of the Service, and be *Pares in Onere*, also.'

We are now left in the Dark, by the *Journals*, in what was further done at those Conferences, till the 19th Day of *July*, when we find a *Memo-rial* entered, as that Day, in these Words:

'*Memorandum quod Die Martis 10 Die Julii*, 1610, in the Afternoon, as well the Lords Spiritual and Temporal, as the Speaker and the whole House of Commons, attended his Majesty, in the great Room or Chamber, called the Banqueting-House at *Whitehall*, the Prince and the Duke of *York* being then also present; where, after his Majesty had vouchsafed, very princely, to declare, in general, his Intent concerning such Impositions, as the Commons, by their Grievances, lately exhibited unto him, had complained of. And the Lord Treasurer having likewise, by his Majesty's Commandment and Direction, opened more particularly, in a long and exact Speech, the Nature and Quality of these Impositions, with the Cause and Order of raising the same; (which his Lordship affirmed to have been chiefly done before himself was Treasurer, by advised Council, first taken, and by divers Conferences, first had with many of the principal Merchants of all Companies, and with

And on Matter
of Grievances
and Impositions.

An. 8 James I. 2610. with their Assent and Allowance, and not to be in that Kind burthenfome, as generally is conceived.) His Majesty was then pleased, in a second Speech, to remember that he received from the Commons their Grievances but on *Saturday* last, so as, this being *Tuesday*, there hath been only two Days past; and therefore to all their Grievances they might not, at that Time, expect Satisfaction; howbeit, to some of them, they should presently receive his Answer; which, being formally put in Writing, by Direction, his Majesty commanded the Clerk of the Parliament, openly and distinctly, to read; which accordingly was done, and were as follows, *viz.*

Grievances. *Imposition of one Shilling upon the Chalder of Sea Coals.*

Answer. There was never any Imposition laid upon the Sea Coals of *Blyth* and *Sunderland*, by the King's Authority; but it being conceived that they were Members of *Newcastle*, (and so within their Composition) they were only mentioned in some Letters Patents with the Town of *Newcastle*. But, it appearing that they were Things distinct, let the said pretended Impositions be laid down, and no more taken.

Grievance. *Exaction for sealing of new Drapery.*

Answer. The King hath received no Knowledge of any Abuse of the said Patent; and if any Complaint hath been made unto his Majesty's Courts, he doubted not but Justice hath been done; and it is his Majesty's exprefs Will that all such Abuses, upon due Complaint, be reformed. And, for the Right and Validity of the said Patent, his Majesty understandeth that there is a Suit depending, wherein the same is brought in Question, which hath been divers Days solemnly argued on both Sides, and is now ready for Judgment, wherein his Majesty requireth the Court to proceed with all Expedition.

Imposition

Imposition upon Alehouses.

An. 8 James Ist
1610.
Grievance.

The Intent of that Ordinance was Matter of Answer.
Reformation, because Alehouses did multiply over much by the Favour of Licences; and for the Profit, it was but an Incident which his Majesty least regarded; and that it might be done by Law, it was warranted by the Opinion and Advice of the Lord *Popham*, and the principal Judges of the Land; who, upon Conference with others, maintained that referring the Power of Licences to the Justices of the Peace, by the Statute, was not privative to the King's Power in that Case. But, seeing it is a Thing so much desired to be removed, and especially since it seemed to breed a Jealousy in his loving Subjects of a Precedent of imposing Payment upon them within the Land; let it be laid down and no more taken.

*Monopoly of Licence of Wines, upon the Advantage Grievance.
of old and impossible Laws.*

The Law, though old, as they affirm, yet was Answer.
still in Force; and it seemeth the Commons, (if they will remember some of their late Proceedings) would be loath to disclaim making use of old Laws. Nevertheless, at their Prayer (saving the Patent which they themselves acknowledge to have been made in Favour of so great a Person and of so great Desert) his Majesty is content a Law be passed for restraining any such Licence to be made in Time to come.

These Concessions of the King make it appear that hitherto he was willing to keep in good Terms with his Parliament; and, though small in themselves, in Comparison of the larger Demands of the Commons, yet they seem to pave the Way for a perfect Union between them. It is certain what the King was desired to part with, were Things, some of them, that had been transmitted to him, through a long Series of his Predecessors; and

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1610.

others which had been set up, or laid on, in the Reigns since the *Reformation*; and, particularly, in the last. Who the Person was, mentioned in a Parenthesis of the last Answer, is uncertain; it seems to be either the Prince or the Duke of York; for *George Villiers*, afterwards Duke of *Buckingham*, did not make his Appearance at Court, till near five Years after this Period.

A Supply granted.

We may suppose that these *Answers* from the King, met with a favourable Reception by the Commons; for, though the *Journals* do not express so much, yet, some few Days after, the Bill of Supply was sent up by them, consisting of one entire *Subsidy* and one *Fifteenth* and *Tenth* from the Temporality.

On the same Day, *July 17th*, the Lord Treasurer reported to the House of Lords, 'That himself and some other Lords, not as Members of Parliament, but as Persons otherwise interested in the King's Service, did the Night before acquaint his Majesty with the Effect of a Conference, held that Afternoon, between the Committees of both Houses; and that he had got the King's Resolution on the Matter, under his Hand, which was also to be imparted to the Commons, and which he read to the Lords in these Words:

J A M E S R.

Right trusty and well-beloved Cousins,

The King offers to accept of 200,000 l. yearly, in lieu of Tenures, &c.

HAVING understood what hath passed in your Conference with our Lower House, and perused the Memorial of your Desires; we are now determined to answer you, in the Point of the Price, as it shall appear in whose Heart Sincerity is lodged.

Of the Particulars newly come to the Press, we presume you have so well remembered what to impart to your Fellows, as it shall appear to them what Opinion we have of their Respect to our Honour; and how loath we would be for Money, to contract for these Things, with which just and gracious Princes have been used to bind their Subjects. In the which

*we do promise on the Word of a King, (whereof God An. 8. James I. is Witness to whom all Hearts be open) that howsoever those that cannot judge of a King's Heart, may feed themselves with false Fears and Jealousies, That Prince liveth not that more desireth to derive Strength from his Subjects than we do. And, therefore, after you have laid before them, how strange it is to us to be pressed in so many Things which have been left to the Grace of Princes; wherein we mean no more to vary from the ancient Greatness of our Progenitors, than they who are our Subjects can be content to do; who press still in all their Speeches to live More Majorum: You shall take the Liberty, in our Name, to accept the Sum of 200,000*l.* yearly, for all these Things which we have offered before, or have now vouchsafed to part with to you and them. In all which, we doubt not but you will make it appear how far we are contented to borrow of ourselves, for Satisfaction of our loving Subjects. And so we bid you farewell.*

From Theobalds,

July 16, 1610.

Superscribed.

To our Right Trusty and Right well-beloved Cousins, and to our Right Trusty and well-beloved the Lords of the Higher House of Parliament.

This written Message from the King, being imparted to the other House, it produced more Conferences between the Committees, appointed to settle the Affair, called now the *Great Contract* between King and People. On the 19th of July, the Committee of the Lords proposed to the Commons, That the King might have Security in Land for the 200,000*l.* per Annum; and that some Ordinance or Entry may be made, before the Recess of the House, which may both bind the King and them to the *Contract*, which their Lordships conceive to be already concluded; especially, since Time will not now serve to have it pass into an Act.

Q 2

July

An. 8 James I.
1610.

July the 21st, the Lord Treasurer acquainted the Lords, That he had received from the Committee of the Lower House a Memorial, containing the Substance of the most material Points in the *Great Contract* with his Majesty, and read the same to the House. *Ordered*, 'That the like Instrument should be drawn, as their Lordships Assent unto the said *Contract*; wherein the same Power and Liberty should be reserved to his Majesty and to the Lords, as the Commons had, by the said Memorial, reserved to themselves; and therein the same Words to be expressed, *viz. Ad-dendo, Minuendo, Interpretando, &c.*'

July the 23d, the Lord Treasurer read to the Lords a Draught of a Memorial, penned by his Lordship, according to their last Order; which was approved of by the whole House. And it was ordered that both the Memorials should be registred in the *Journal Books* of that House. And, on that Day in the Afternoon, the King and Prince came to the House; and after hearing a Speech, from the Speaker of the Commons to his Majesty, on presenting the *Subsidy Bill*, and other Bills, the King himself was pleased to make a short Speech to both Houses, (but full of Learning and princely Wisdom, as the *Journal* expresses it) to this Effect:

'He first told them, That the Time was so far spent, that it was a sufficient Excuse for him to speak without Preamble; therefore, he put them in Mind that at their last Attending of him at *Whitehall*, he then, by his own Mouth, promised them that he would, before the breaking up of this Session, give them Answer to such other of their *Grievances* as they of the Lower House had presented unto him, and which, then, he did forbear to answer.' Then the Clerk was commanded to read his Majesty's most gracious *Answers* to the *Grievances* aforesaid, which were as follow:

But, before we give this long Account of Grievances and Answers, as they are entered in the
Lords

Lords *Journals*, it is proper to look back into the Proceedings of this Session of Parliament; in which, besides the *Subsidy-Bill*, six Shillings in the Pound, granted by the Clergy, was also confirmed. In the printed Statutes, are 24 public Acts mentioned; and in the Lords *Journals* are the Titles of 15 private ones which were passed, but few or none of them material enough to deserve Mentioning.

We now conclude all the Proceedings of this Session, worth our Notice, with the following Memorial, extracted from the *Journals* of the House of Lords; which, by his Majesty's Command, was read to both Houses, on the last Day of this Session of Parliament. After the Reading of which, the Lord Chancellor, by another Command, prorogued this Parliament to the 16th Day of *October* next ensuing.

His Majesty's Answers delivered to the whole Assembly of both Houses, the 23d of July, 1610, unto certain Grievances formerly delivered to his Majesty by the Knights, Citizens, and Burgeses of the Commons House of Parliament.

TOUCHING the Execution of the Laws of this our Realm made against Jesuits, His Majesty's Answer to other Grievances, at the Prorogation of the Parliament, Se-minary Priests, their Receivers, and all other Popish Recusants, we have so sufficiently expressed our Care and Resolution in our Writings, and in our late Proclamation; as also in our late Speech concerning this Point, as we shall not need to give any further or more particular Answer in that Behalf.

There hath never been hitherto any particular Church in the World (for ought that we have read or heard) that hath allowed such Ministers to preach in it as have refused to subscribe to the Doctrine and Discipline settled in it, and maintained by it; and hereof the Reformed Churches in *France* do yield a fresh Example, who have and do daily require Subscription to the Articles of their Synods, though very many in Number, nevertheless, as in our own princely Judgment;

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1610.

we ever intended to make some Distinction between the Persons and Dispositions of the deprived and silenced Ministers, in regard of better Hope of Conformity in some than others, although they be in the same Degree Offenders by our Laws; so we shall be pleased, when we know the Numbers, the Names and Qualities of these for whom this Petition is made, to take such Order in that Behalf, as in our princely Wisdom we shall hold most fit and convenient for the Good and Peace of the Church.

Although never any Christian King had in greater Detestation the covetous and immoderate heaping of many Benefices together, especially where the Neglect of the Cure is joined therewith; yet it cannot be expected at our Hands, that we should in this, more than in any other Cases, abridge any of our loving Subjects of that which they have in express Words granted unto them by the Laws of this our Realm; or if we might lawfully in this Case so do, yet we should not hold it convenient, until some farther Provision be made that the Benefices of this Realm might be made competent Livings for godly Ministers and learned Preachers; and that with some Difference in Proportion answerable to their Gifts and Merits. In the mean while, the Number of Ministers now qualified to enjoy two Benefices, with Cure, will be greatly diminished, if such as have Power to qualify, would abate the Number of their Chaplains allowed them by Law, as we are resolved for that Cause to abate ours; besides we will lay strict Charge upon the Bishops, under Pain of our Displeasure, that such Ministers as either now have, or hereafter shall have, two Benefices, with Cure, shall carefully observe the 41st and 47th Constitutions, confirmed by us Anno 1603, whereby it is provided that every such Parson as hath two Benefices shall (where he doth not reside) maintain a Preacher, lawfully allowed, that is able sufficiently

ciently to teach and instruct the People in his Absence; and in case the Bishop upon Complaint made unto him, shall neglect his Duty in taking Order with such as have ingrossed Benefices into their Hands, or shall not have provided for the serving of the Churches with sufficient Preachers in their Absence, upon Information given thereof to ourselves, we shall make it appear how much we dislike such Neglect, and how much we tender a Reformation in such Cases.

By Occasion of the Conference at *Hampton-Court*, in the Beginning of our Reign, and upon some other Complaints, our Clergy, by our Direction, made a Constitution with a Condition which we confirmed; wherein they shewed themselves very willing to forbear the Censure of Excommunication for Contumacy, where the original Cause was of no great Weight, and of private Interest, so as there might be a Law made whereby Contumacy in such Cases might otherwise be sufficiently punished. And accordingly they caused a Bill to be drawn for that Purpose, and exhibited unto the Lower House, which found no Passage there; nevertheless, when such a Bill shall be hereafter agreed upon as may enable our Ecclesiastical Judges condignly to punish the said Contempts, in the Causes mentioned, otherwise than by Excommunication, and so produce the Reformation which is so much desired, we shall be pleased to give our Royal Assent unto it, so as it shall rest in our Hands to effect that which is desired.

Touching the Inconvenience and dangerous Extent of the Statute 1 *Eliz. Cap. I.* our approved Care for the well ordering of Ecclesiastical Courts and Causes, ought to banish from the Conceits of our loving Subjects, all needless and imaginary Fears; nevertheless, we are pleased to assure them by our Royal Promise, that our Ecclesiastical Commissions shall not be directed to singular Persons, but to such a Number of

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1610.

Commissioners, and them so selected as the Weight of such Causes doth require; and that no definitive Sentence be given or pronounced by such our Commissioners under the Number of seven of them, sitting in Court, or five at the least, and that only in Case of Necessity. And further, that we shall not take Advantage by any Power given us by that Statute, to grant forth any Forms of Commissions extending further than to Imprisonment, and reasonable Fine: And likewise that we shall restrain such our several Commissions to the Number of two, the one for the Province of *Canterbury*, and the other for that of *York*; besides we are resolved to establish an Order touching the Use and Practice of our said Commissions, as that none of our loving Subjects shall be drawn from remote Places, either to *London* or *York*, except it shall be for such exorbitant Offences as are fit to be made exemplary, and for the Enumeration of Ecclesiastical Causes in particular; and as it is a Matter full of Difficulty, so it is needless, as we suppose, considering that they are already so limited and confined that no ancient Canons or Spiritual Laws are in Force, that are either contrary to the Laws or Customs of this Realm, or tend to the Damage or Hurt of our Prerogative Royal.

For the Grievances apprehended in the Commission. First, a Sovereign King being *Mixta Persona*, and having Authority, as well in Causes Ecclesiastical as Temporal, it was with great Wisdom ordained, Matters of the Church being many Ways impugned, and the Confuses of it grown into Contempt, that there should be a Commission, consisting as well of Temporal as Ecclesiastical Persons, who might have Power for one Offence at one Time, and by one Sentence, to inflict as there should be Cause, both a Spiritual and Temporal Punishment. But as to the Enquiry by Juries, it hath not for many Years been practised, and we are content that hereafter it be omitted in our Commission. And concerning

concerning Appeals, the Use hath always been
to exclude them in Commissions of this Nature;
and yet, if any of our Subjects shall be justly
grieved with any Sentence given by our Com-
missioners, we shall be content as we find just
Cause, to grant unto them a Commission of Re-
view; Also for the Execution of divers Statutes
aimed at in your Grievances, altho' it hath been
from Time to Time committed, in some Sort,
unto our Commissioners; and that every such
Commission hath been stiled and penned by the
Attorney-General, with the Advice of the
chiefest Temporal Judges; yet we are well
pleased, and will give Commandment accord-
ingly, that our Temporal and Ecclesiastical Judges,
assisted with our learned Council, shall confer
together, concerning the Exceptions by you
taken, to the End that hereafter our said Com-
missioners may have no further Power to inter-
meddle with the Execution of any Part of the
said Statute, than it should be found fit for our
Service, necessary for the Suppressing of Popery
and Schism, and no Ways repugnant to the
Laws and Policy of this our Kingdom. But
for making any Innovations in the Forms and
Proceedings heretofore used by our said Com-
missioners, we know no Cause to depart therein
from the Example of our Progenitors, nor from
that which the Laws of this our Kingdom hath
approved; and touching Fees, since it is a Court
by Statute erected, and no Fees in the Statute
expressed, it was very fit that the Commissioners
should have Authority to limit and appoint to
every Officer his reasonable Fees, and we will
commend the further Care thereof to some prin-
cipal Persons of our Commission to take a View
of them; and as to reform what they find amiss,
so to establish such as shall be moderate and
reasonable.

Touching the Grievances found in the Exe-
cution of the Commission, we know that there
is no Commission nor Court, either of Ecclesiastical

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tical or Temporal Jurisdiction, but may be subject more or less to Abuse in the Execution of their Authority ;] nevertheless, it is our Part to have our Ear open to receive Complaints of that Kind, especially from our Parliament, when we shall find them to be just ; and therefore our Purpose is to see such Reformation to be made of all Abuses in the Execution of the said Commission, as may best procure the Ease of our Subjects from Charge or Vexation, and such Punishment to be inflicted on Pursuivants, or other inferior Ministers, which shall be Offenders, as may repress such Misdemeanors in Time to come.

It is our princely Care and Office to uphold and maintain all the Courts of Justice, both Ecclesiastical and Temporal, within this our Realm ; that none of them encroach upon the other, but keep itself within the true Bounds and Limits thereto appertaining. Neither is it unknown (we suppose) to the whole Realm, what Pains we have already taken to that End ; and we propose (God willing) therein to persist, until we shall settle a certain Order as well concerning Prohibitions, as the Incidents thereunto belonging, that no one of our Courts may be prejudiced by another. And that (all late Inventions and Novelties on all Sides eschewed) Prohibitions may freely proceed from such Courts, in such Causes and in such Form, as by the ancient Laws of the Realm hath been accustomed.

And touching Writs of *Habeas Corpus*, and *Homine Replegiando*, our Pleasure is, that they be granted according to Law.

Although we know well that by the Constitutions of the Frame and Policy of this Kingdom, Proclamations are not of equal Force, and in like Degree as Laws ; yet, nevertheless, we think it a Duty appertaining to us, and inseparably annexed to our Crown and regal Authority, to restrain and prevent such Mischief and Inconveniences as we see growing in the Common-
Wealth ;

¶ Wealth; against which no certain Law is extant, An. 8 James I.
 ¶ and which may tend to the great Grief and Pre- 1610.
 ¶ judice of the Subjects, if there should be no Re-
 ¶ medy provided until a Parliament; which Prero-
 ¶ gative our Progenitors have in ancient, as well
 ¶ as later Times, used and enjoyed. But if sithence
 ¶ the Beginning of our Reign, Proclamations have
 ¶ been more frequent than in former Times, or
 ¶ have extended further than is warranted by Law,
 ¶ we take it in good Part to be informed thereof
 ¶ by our loving Subjects, and take it to Heart as a
 ¶ Matter of great Consequence; and therefore we
 ¶ will have Conference with our Privy Council,
 ¶ and with our Judges and learned Council, and
 ¶ will cause such our Proclamations as are past, to
 ¶ be reformed where Cause shall be found; and for
 ¶ future Time will provide that none be made
 ¶ but such as shall stand with the former Laws or
 ¶ Statutes of the Kingdom, and such as in Cases
 ¶ of Necessity our Progenitors have, by their Pre-
 ¶ rogative Royal, used in Times of the best and
 ¶ happiest Government of this Kingdom.

¶ Our Desire is, that all our Subjects universally
 ¶ may be governed by the Laws that make best for
 ¶ the Peace and Quiet of the Country where they
 ¶ live, and whereby Justice may be equally and
 ¶ speedily administred, as well to Poor as Rich,
 ¶ with least Charge and Expence; and for those
 ¶ four Counties for which Suit is now made to
 ¶ have them exempted from the Jurisdiction of
 ¶ our Council in *Wales*, and the Marches of the
 ¶ same, we conceive it to be a Matter of very
 ¶ great Importance; for it tendeth to the Altera-
 ¶ tion of a settled State of Government, continu-
 ¶ ed by the Space of many Years, in the Times of
 ¶ divers Kings and Queens, our Predecessors, ad-
 ¶ vised by as wise and judicious Privy Counsellors,
 ¶ and executed and put in Use ever since the mak-
 ¶ ing of the Statute 34 *Henry VIII.* that gave
 ¶ Strength to the Government, by many as grave,
 ¶ reverend and learned Judges as this Realm ever
 ¶ had, who lived at and nearest the Time of the
 ¶ said

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‘ said Statute, and therefore best understood the
 ‘ Sense and Meaning of it. Therefore we find
 ‘ our Crown, upon so good Grounds, so long
 ‘ possessed of that Form of Government in those
 ‘ Parts; and having holden one constant Course,
 ‘ ever sithence our coming, to keep the State of all
 ‘ Affairs of this Realm, and especially of Justice
 ‘ and Government, the same we found; to the End
 ‘ there might, in a manner, be no Shew of Change
 ‘ by us (which hath been justly observed as an ap-
 ‘ parent Mark of God’s Blessing upon us and our
 ‘ Kingdom,) we have retained and continued still
 ‘ the same Government in those Counties, with fit
 ‘ Moderation by your last Instructions; holding
 ‘ it both just and convenient, as well for those as
 ‘ all other Parts whereunto it is applied. Never-
 ‘ theless we will take Time, and inform ourself
 ‘ of all Things that may lead our Judgment to
 ‘ the best ordering of a Cause of so great Weight
 ‘ and Consideration, and will thereupon resolve
 ‘ and do as we shall find answerable to Justice and
 ‘ Policy of State, which cannot be separated;
 ‘ always professing for the Satisfaction of our lov-
 ‘ ing Subjects in general, that as we are and ought
 ‘ to be slow to put down or alter those Courts
 ‘ and Governments, which the Wisdom of former
 ‘ Times hath established; so we are firmly re-
 ‘ solved never to erect in any other Parts of the
 ‘ Realm, any like Courts, or provincial Councils,
 ‘ except it be by Assent of Parliament; and for
 ‘ full Assurance thereof, we will yield to any Se-
 ‘ curity that by Act of Parliament shall be rea-
 ‘ sonably devised.

Martii 26, 1610.

*Memorial concerning the Great Contract with his
 Majesty, touching Tenures with the Dependants,
 Purveyance, &c. delivered by the Committees of
 the Commons House unto the Lords.*

Demands in Matters of Tenures, &c.

‘ The Desire, in general, is to have all Knights
 ‘ Service, turned into free and common *Soccage*.

‘ In

‘ In particular some Tenures more properly concern the Person, some the Possession. An. 8 James I. 1610.

Concerning the Person, viz.

‘ Grand Serjeanty, wherein, though the Tenure be taken away, yet the Service of Honour to be saved, and the Tenure *per Bareniam*, as it may concern Bishops or Parsons, or Men in Parliament, to be considered.

‘ Petty Serjeanty, Escuage certain and uncertain, to be taken away.

‘ Castle Guard. That Castle Guard which rests in Rent to be saved.

‘ All Knights Services General, both of King and common Persons.

‘ Homage ancestral and ordinary, with the Respite of them; both these to be taken away, only the Coronation-Homage to be saved, not in respect of Tenure but of Honour.

‘ Fealty. The Form of doing Fealty not yet resolved of.

‘ Wardship of Body.

‘ Marriage of the Heir, } These to be taken away.
‘ of the Widow.

‘ Respite of Fealty to be taken away.

Concerning the Possession, viz.

‘ Wardships and Custody of Lands to be taken away.

‘ Premier Seisin to cease.

‘ Livery *Ouster le Main*, to be taken away so far as they concern Tenures, or Seizure by reason of Tenures, other than for Escheats.

‘ Licence of Alienation upon Fines, Feoffments, Leases for Life, and other Conveyances.

‘ Pardon of Alienation, Pleading *Diem clausit extremum*, *Mandamus*, *Quia plura devenerunt*, *Offices post Mortem*, *Inquisitiones ex Officio*, except for Escheats.

‘ Also all concealed Words *de futuro*, all Instructions, all Alienations past, all Bonds and Covenants

An. 8 James I. 1610. ' Covenants for Performance of what tends to

' Knights Service; all these to be determined.

' The like for Wards of common Persons, viz.

' All Wards how in being, or found by Office, or which shall be found by Office before the Conclusion of this Contract, and whose Ancestors died within three Years before, these to be saved.

' Relief upon Knights Service to cease.

' Patentees that pay a Sum, or pay Tenths or Fee-Farms. These not to double their Rent upon a Relief to be paid.

' Escheats, Heriots, Suit of Court Rent, Work-Days, and such Services; these all to remain.

' Aid to the King to remain, but limited in a certain to 25,000*l.* cum acciderit.

' Aids to common Persons to cease.

Die Martis 26 Junii, 1610.

' If any Body Politick or Corporate, or other Person or Persons, or any from or under whom they claim, have had Possession, and been reputed Owners by the Space of sixty Years, and neither the King nor his Progenitors, nor any other for him or them have had Possession, by taking of Profits by the Space of one whole Year, without Interruption, within sixty Years, the King's Title before that Time shall be extinguished; and such Possessor or reputed Owner of the Inheritance shall hold the Inheritance against the King's Majesty, his Heirs and Successors; and against his Patentees, and all claiming from, by, or under him or them, or any of his Progenitors; and if the King's Majesty, or his Progenitors, have been in Possession only of a Rent reserved upon Arrentation of Assarts, or Waste Grounds in Forests or other Lands, or upon some Grants in Fee-Farm: And any Body Politick or Corporate, or other Person, have enjoyed the Lands, Tenements, or Hereditaments for which such Rent is paid, by the Space of sixty Years and more, as his own pro-
' per

per Soil and Inheritance, the King's Majesty, his Heirs and Suecessors, shall enjoy the said Rent only; and the reputed Owners shall hold the Inheritance according to the several reputed Estates; and all others claiming or pretending Title under any that shall gain the Inheritance against the King by this Law, either for Years, Life, Entail, or for other Estate, either at the Common Law, or, according to the Custom of any Manour, shall hold and enjoy the same; according to their former supposed Estate.

And it was thought reasonable that some Course be thought upon concerning such as pay the King any Rents for Land, as Chief Lord, or otherwise, having had, by the Space of sixty Years or more, the Freehold and Inheritance of the said Lands in themselves, or such from whom they claim that Claim, that, by Colour of such Rent received, the King should not be entitled to the Inheritance.

And, that some Course may be taken for Limitation of Entries, and Actions of Rights, and Titles of Lands, belonging to the Duchy of Cornwall, Principality of Wales, and Counties of Chester and Flint; and, namely, That some Provision be made for it in the Patent now shortly to be passed to the Prince of Wales, that such as have been reputed of the Inheritance, and had Possession above sixty Years, shall not be impeached.

Patentees to be concluded, in like Sort, as if the Estate had still remained in the King.

1. That Letters Patents of his Majesty, his Heirs and Successors, and other his Progenitors, not heretofore made void by Judgment, or such Entry as hath been made known by one Year's Continuance of Possession, shall be continued, and taken most beneficially for the Patentees, their Heirs and Assigns; in Case any Estate of Inheritance be passed, and for the Patentee, his Executors,

An. 8 James I.
1610.

‘ Executors, Administrators, and Assigns, to whom
‘ any Lease hath or shall be made, according to
‘ the Purport of the said Letters Patents or Lease;
‘ and no other Exposition to be made of any Pa-
‘ tent, Grant, or Lease, of the King, or his Pro-
‘ genitors, but such as the Law makes in Grants,
‘ and Leases, made by common Persons, any col-
‘ lateral Matter, common Rule, or Maxim to the
‘ contrary notwithstanding.

2. ‘ And that all Letters Patents, Grants or Lea-
‘ ses, from henceforth shall be expounded, constru-
‘ ed, taken or adjudged, to pass all Rights, Titles,
‘ Estates, and Interests, whatsoever the King, at
‘ the Time of the said Letters Patents made, might
‘ have passed as King or Duke; and that such
‘ Grants as have been made under the Duchy-Seal
‘ of *Lancaster*, of Land reputed Duchy-Lands,
‘ by the Space of sixty Years, shall be good not-
‘ withstanding the King have any other Title
‘ hereunto, in Right of his Crown or otherwise.

3. ‘ That the King or any Patentee of the King,
‘ his Heirs or Successors, shall not take any Forfeit-
‘ ure of his Estate for Non-payment of Rent, but
‘ only shall have a Penalty of double the Rents;
‘ but that the Lessee shall enjoy his Estate against
‘ the Patentees as he did under the King; and that
‘ Leases made upon Suggestion of Surrenders, may
‘ not be overthrown for Defects or Imperfections
‘ of or in the Surrender, or for Want of Sur-
‘ render.

4. ‘ The Subject upon every Information of
‘ Intrusion be admitted to plead the general Issue,
‘ *not guilty*; and not be forced to any special Plea;
‘ neither shall any Injunction in respect of such
‘ Plea be granted; to turn him out of Possession,
‘ having had Possession by the Space of one Year
‘ before.

5. ‘ The Point concerning penal Laws and In-
‘ formers, shall be ordered as shall be most for the
‘ Benefit and Ease of the Subjects, preserving the
‘ Force of the Law, and a Course to be establish-

‘ ed

ed for due Execution thereof, and inflicting the Penalty. Act. 8 James I.
1610.

6. ' All Purveyance and Takings for his Majesty's Use, the Queen, the Prince, and all other the King's Children, and for all Offices; Courts, Councils, and Societies whatsoever, to be utterly taken away, as well Purveyance and Taking of Household, Stable, Navy, Servants, Labourers, and all other Provisions; and also, for Carts, Horses, and Carriages, both by Land and Water; and, generally, all Purveyances and Takings for whomsoever, whatsoever, of what Name or Nature soever, to be for ever extinguished; the Composition for the same to be all dissolved and released; the Clerk of the Market, and all others, to be disabled for setting any Prices; the Power and Prerogative of Pre-emption to be determined, not intending hereby the Pre-emption of Tin.

' What Regard shall be had to the Merchant-Stranger in this Point, to be left to further Consideration.

7. 1 That his Majesty would be pleased to pardon, release, and discharge all old Debts, due to him or any of his Progenitors, before the 30th Year of the Reign of our late Sovereign Lady Queen *Elizabeth*: And that hereafter every Subject, sued or molested for any Debt due to his Majesty or his Progenitors, or that shall grow due to his Heirs, may plead that the same Debt or Sum of Money sued for, or demanded, became due to the King or his Progenitors, by the Space of ten Years past; and that the same, in the mean Time, hath not been sued for in any of the King's Courts, and that the same appearing to be true or so proved, shall be a good Plea in Bar.

8. ' All Pre-Fines, and Post-Fines, due upon Alienation, by Fine or Recovery, to be taken away.

An. 8 James I.
1610.

16 July, 1610.

‘ That where any Man shall be outlawed, at the Suit of a common Person, before Judgment or after, the Plaintiff first, and all others after him in Order as they desire, all may be paid their just Debts out of the Forfeiture grown to the King, before the King, or any other take any Advantage of such Forfeiture.

‘ In like Manner, in all Attainders of Felony and Treason, all Creditors to be satisfied for their just Debts, out of the Estates of the Persons attainted.

‘ That the Clause in the Statutes 34 and 35 Hen. VIII. by which the King hath Power to alter the Laws for *Wales* and make new, be repealed.

In the Interim till our next Access;

‘ No Man to be questioned or troubled for any Land upon defective Titles, either upon Pretence that the Patent is void, or for Assart Lands, and such like, which have had long Possession and no Patent.

‘ No Man to be questioned for Land gained by the Sea, be it ancient or new.

‘ No concealed Ward to be sought after, nor any to be questioned, after the Death of whose Ancestors an Office hath not been found within ten Years.

‘ No Man to be questioned for old Debts,

‘ Nor Alienations without Licence,

‘ Nor be confined to plead his Licence, or Title, or Tenure, in the Exchequer.

18 July, 1610.

‘ 1. That whereas the House of Commons have already, among their Grievances, preferred a Petition to his Majesty, as of Right and Justice, that the four *English* Counties may have a Trial by Law, concerning their Inheritance to the Common Laws of this Realm, and so to be ex-

empted from the Jurisdiction of the President and Council of *Wales*, (a Matter wherein the whole Realm is deeply interested) notwithstanding, upon occasion of this great Contract, the House of Commons doth humbly petition to his Majesty, as of Grace, that without further Suit, Trial, or Trouble, those Counties may be restored to that their ancient Right, the same being no way prejudicial to his Majesty's Honour, in Point of Sovereignty, (as we conceive,) as being alike to his Majesty in which of his Courts his Subjects have their Trials; and in Profit much less: But rather being a Matter of greater Benefit to his Majesty, in the Duties due for Suits in his Courts at *Westminster*, and to his Majesty's loving Subjects there, it will be a Matter of great Comfort, and of enabling them the better to perform their Part of this Contract, by easing them of much causeless Vexation and Charges, which in trifling Suits they now bear and endure.

2. ' The King to be bound upon Demurrers, to express the Cause of Demurrer for Form, as the Subject is by the Statute 27th *Eliz*:

3. ' Petition to be made to his Majesty to grant out Commissions, to declare the just and due Fees of all the Courts and Offices in this Realm, so far forth as they are to be paid by the Subject; and they to be reduced into a Book and printed.

4. ' His Majesty also to be petitioned to appoint some to make a diligent Survey of all the penal Statutes of this Realm, to the End that such as are obsolete or unprofitable may be repealed; and this for the better Ease and Certainty of the Subject; all such as are profitable concerning one Matter, may be reduced into one Statute to be passed in Parliament.

5. ' The Lords to join with the House of Commons in Petition to his Majesty, for Recompence to be made by his Majesty to all such Officers of Courts, as are damnified by this Contract in Point of Tenures.

An. 2 James I.
1610.

20 July, 1610.

6. ' His Majesty to be petitioned that he will
' be pleased to grant no Protections contrary to
' Law.

' That the Extent of every Article that is de-
' creed for the Good of the Commons in this
' great Contract with his Majesty, should be ex-
' pounded and explained in all Causes doubtful,
' by the House of Commons, according to their
' true Meaning.

' Refervation to be made of further Addition at
' the next Session, of any Proposition within the
' Bounds agreed on : viz. Not to impair his Ma-
' jesty's Honour, in Point of Sovereignty, nor to
' diminish his Estate, in Matters of Profit, with-
' out Recompence for the same.

21 July, 1610.

Answer to the Lords three Propositions, viz.

1. *What Assurance his Majesty shall have of 200,000l.
yearly Revenue.*

Answer, viz.

' Not having resolved yet whereupon to raise
' this Revenue, nor in what Manner to levy it,
' thus much we are resolved of, That it shall be
' stable and certain to his Majesty, and convenient
' for his Majesty's Officers to receive and ga-
' ther it.

2. *What Matter of Content in the Interim shall be
brought down into the Country.*

Answer, viz.

' First, to the meaner Sort, the assuring them
' that nothing shall be levied upon their ordinary
' Victuals; viz. Bread, Beer, and Corn, nor up-
' on their handy Labours. Secondly, to the bet-
' ter Sort, the View of these Things, which in
' Lieu of that Sum, we shall receive from his Ma-
' jesty, whereof Copies to be taken down by such
' as please. Thirdly, in General to all, his Ma-
' jesty's gracious Answer to our Grievances.

3. *What*

3. *What Course now for the settling of this great An. 8 James I.
Contract and proceeding in it.* 1610.

Answer, viz.

‘ First of all, we proceed now by Addition of
‘ some more Articles, which together with the
‘ former in one entire Copy, we will present to
‘ the Lords. Secondly, for the settling of it at
‘ our Return to find it as we leave it, we will en-
‘ ter in our Book, 1. What we have demanded,
‘ viz. These Articles. 2. What we have resolv-
‘ ed to give therefore to his Majesty, viz.
‘ 200,000*l.* by the Year. 3. The Security to be
‘ by Act of Parliament, in as strong Sort as can
‘ be devised. 4. The Manner of Levying it, to
‘ be in such Sort as may be secure to his Majesty,
‘ and in the most easful and contentful Sort to the
‘ Subject, as by both Houses of Parliament can
‘ be devised,

*Memorial concerning the great Contract with his
Majesty, touching Tenures, with the Dependents,
Conveyance, &c. conceived by the Direction of
the Lords of the Higher House of Parliament,
viz.*

‘ Whereas the Knights, Citizens, and Burges-
‘ ses of the Lower House of Parliament, have this
‘ Day, by Committee, delivered to the Lords
‘ Committees of this House, a Memorial by them
‘ conceived and put in Writing, containing cer-
‘ tain Articles concerning the great Contract with
‘ his Majesty, which, during this Session of Parlia-
‘ ment, hath long and often been in Speech and
‘ Debate between their Lordships and them, as well
‘ on his Majesty’s Behalf, as for the Interest of their
‘ Lordships, and of the said Knights, Citizens,
‘ and Burgeses; by which Contract, they are tied
‘ to assure unto his Majesty, his Heirs and Succes-
‘ sors, the Sum of 200,000*l.* Sterling, in yearly
‘ Revenue, in Satisfaction of the great yearly Profits
‘ which his Majesty hath, or may make, as well in
‘ respect of the Wardships of the Bodies and Lands

R 3

‘ of

An. 8 James I.
1610.

of his Subjects, and all other Incidents to Tenures, as of the Benefit arising by Post-Fines, defective Titles, Assarts, and many other Immunities and Privileges, together with the extinguishing of Purveyances, (all tending to the Profit and Ease of his Majesty's Subjects,) in the Conclusion whereof there is this Clause inserted, viz. *That the Extent of every Article, that is desired for the Good of the Commons, in this great Contract with his Majesty, should be explained and expounded in all Clauses doubtful, by the House of Commons, according to their true Meaning.*

And, whereas at the Presenting of the same Memorial, it was also delivered in the Name of the Lower House, by Sir *Edwyn Sandys*, that, notwithstanding the said Clause inserted, it was not intended to make any Question of the Price, or of any main Part of the Contract, because they were agreed in the Substance; but only to receive some Liberty for the Exposition of the Extent of some Branches, which contained those Requests which they had made under that Liberty; (which his Majesty gave them to propound such other Things as should not derogate from his Honour or Profit) in all which they desired also by the Mouth of Sir *Edwyn Sandys*, to retain Liberty, *addendo, minuendo, et interpretando.*

And, whereas it was also delivered by the Gentleman aforesaid, that the Lower House were resolved at the End of this, to deliver a clear Answer; that is to say, concerning the King's Assurance, tho' for the Manner of Levy, they had not yet taken the same into Consideration in the Absence of their Fellows; yet of this one Thing, they did desire their Lordships to remain assured, that it was their full Intention and Resolution that his Majesty's Revenue, depending upon this Contract, should have these two Qualities; one that it should be a Revenue firm and stable; another that it should not be difficult

‘ difficult in the Levy. In both which they assured themselves, they did fully answer the Meaning of that Speech which made mention of *Terra Firma.*’

‘ And, Forasmuch, as the Knights and Burgeses of the Lower House, have also acknowledged (and that most truly) that they did always understand themselves bound to limit themselves, so carefully, in all Things which they have sought for, or shall do, not being particularly expressed at the Time that they did accept of the Price, as not to demand or expect any Condition, whereby his Majesty should lose either Honour or Profit, as aforesaid.’

‘ The Lords also who are likewise in their own particular Estates and Possession, (beside the Care of the Publick Good) no less interested in the said great Contract than they, and by their eminent Places and Degree, are more strictly bound to take care of those Things which do particularly concern the Honour and Revenue of the Crown than others are, have now, upon good Advice and Deliberation, thought fit and necessary, not only, to acknowledge their personal Consent to the substantial Parts of this Contract, but with the Privy of his Majesty, as an Argument of his Consent, given Order likewise, for an Entry to be made of the same Memorial, in Manner as is aforesaid; that is to say, with the same Reservation, which was verbally desired by them in these Words, *addendo, minuendo, et interpretando*; and, with that Reservation which is contained in the latter Clause of their Memorial, viz. *That the Extent of every Article, that is desired for the Good of the Commons, in this great Contract with his Majesty, should be expounded and explained in all Causes doubtful, by the Lords of the Higher House, for the Good of his Majesty and themselves.*’

In this Situation did this Grand Affair, between the King and People, stand at the End of the last Session;

An. 2 James I.
1670.

Session; and, by the Demand of the Subject and the Monarch's Answer, it seemed as if a Contract might have been concluded at their next Meeting.

The Commons, in this last Session, had bartered long for 180,000 *l. per Annum* to be paid the King for these Liberties; and at last came up to the Price demanded (200,000 *l.*) but it was all to no Effect.---The same Parliament met again on the 16th Day of *October*, the time limited by the last Prorogation; which was still in the eighth Year of this King, or *Anno* 1610.

The Parliament
meet, after Pro-
rogation.

We have now no other Authority to go by, for the Proceedings of the ensuing Session, than the *Lords Journals*; those of the *Commons* being lost: And it was some Days after the Meeting, on the 23d of *October*, that the Business of the Great Contract was resumed by the Lords; who, as their *Journals* express it, thought good to begin with the greatest and most weighty Matter now depending in Deliberation; concerning, as well *Tenures*, with their Dependants, as *Purveyors* and other Things; in the State that Affair was left at the breaking-up of the last Session. Their Lordships agreed to send a Message to the Commons to desire a Conference, by Committees of both Houses, in order to bring this weighty Business to a happy Conclusion. Answer was returned by the Commons, that they accepted of the Lords Proposal: *October* the Twenty-fifth was appointed for that Purpose. Afterwards, on the Lord Chancellor's Motion, it was ordered That all the Lords then in Town, and not present, should be warned and required by the House, to give their personal Attendance, on that Day at the Hour fixed, which was between Nine and Ten in the Morning.

And proceed to
consider the
Great Contract
relating to Te-
nures, &c.

At the Time appointed, there appeared in the House according to the List, eleven Bishops, twelve Earls, one Viscount, twenty-five Barons, The first Thing they did was to name a Committee: Next, was read, openly, the *Memorial*, concerning the Great Contract, as it was given in the last Session, by Direction of the *Lords*; as, also, the

the other Memorial, which was delivered at the End of the last Session by the Committee of the Commons. Then the Lord Chancellor put the Lords in mind of the State of the Business concerning the said Contract; and moved that their Lordships would now give their Advice what should be spoken, that Afternoon, to the Committee of the other House, touching the Premises, and by whom the same shall be delivered. And, because this Matter is of such great Moment, his Lordship wished the Debate thereof might be by way of Interlocution; to that Purpose the House to be adjourned, and the Lords to sit as in a Committee; which was generally approved and agreed to.

After a short Adjournment, the House of Lords met again, on the 30th. When their Lordships were informed by the Lord Chancellor, That Robert Bowyer, Clerk of Parliament, had lately received, from the Under-Clerk to the Commons, a Letter, dated October the 27th in these Words:

SIR,

I AM, by Order of the Commons House of Parliament, directed to repair unto you, and to desire of you a true Copy of his Majesty's Answer to the Grievances of the Subject, presented the last Session of Parliament: As well the Answers to the first Four, concerning Matter of Profit, as the rest concerning Matter of Government, answered the last Day. The Order is, that you are to subscribe your Hand unto it, and to make it ready before Monday Morning next, at which Time there will be a special Occasion of Use for it.

I am your very assured Friend,

Saturday, Oct. 27,
1610.

RA. EVANS.

The Chancellor added, That the said Clerk, in Respect of his Duty to this House, had forborn to satisfy the Contents of the said Letter; and had only returned for Answer, That, of himself, he had

An 3 James I. 1610. had no Power, or Authority, to make forth, or deliver Copies of that Nature; but, at the next Sitting of the Lords, he would acquaint their Lordships with the said Letter, and then be ready to do what they should command him.

This Answer was approved by the Lords; who, having considered of the Matter, 'Thought it both fit and reasonable that the Copy desired should be sent, authentiquely, to the Lower House; because the Matter and Substance thereof equally concerned both Houses; and was originally intended by his Majesty to be imparted to all his loving Subjects without Distinction.' But their Lordships did not approve of this Manner of Demand; which should have been by Motion to themselves, and not by a Letter from an Under-Clerk to the Clerk of this House, or by any such Order or Direction as above. Notwithstanding this, as their Wisdoms thought it not convenient, that, for this Cause, the weighty Business of this Great Contract with his Majesty, being now in Treaty, and for which this Session of Parliament was chiefly held, should any Way be in Danger to suffer Interruption, Impediment, or Delay; it was agreed to by all the Lords and ordered, 'That the Clerk of this House should, by Leave of the House, send to the said Clerk attending the Commons the Copy desired, under his Hand, with an Answer to this Purpose:'

UPON Receipt of your Letter, I have this Inst. 30th of October, acquainted my Lords of the Higher House of Parliament therewithal. Whereupon, their Lordships are well pleased and content that I shall send you, under my Hand, that which is desired, which herewithal you receive accordingly.

I rest your assured loving Friend,

RO. BOWYER.

But,

But, an Entry was ordered to be made in the *Journal*, with special Caution and Provision, That this Particular be not at any Time drawn or used as a Precedent; but, that in all Cases of like Nature, hereafter happening, due Course and Care should be observed for preserving the Honour, Dignity, and Privilege of that House.

This Condescension of the Lords to the Commons had not the wished-for Effect; for tho' the Conferences began again between the two Houses, about the Grand Contract, yet they came to no Conclusion. The *Journals* give no Account of any Report made from these Committees, relating to that Affair; and on the 6th Day of December, after two short Adjournments, the Parliament was prorogued by Commission, to the 9th of February ensuing. And, on that Day, the Lord Chancellor produced another Commission, from the King, directed to himself and some other Lords, by which he declared this Parliament to be finally dissolved.

Which is rendered abortive by the Dissolution of the Parliament.

It is easy to see, by the Abruptness of these Proceedings, that the King and his Parliament parted in no good Humour with one another; but, since the *Journals* are silent, as to that Matter, we must have Recourse to the History of the Times for an Explanation. The particular Historian of this Reign, and a very particular one he is, has opened somewhat relating to this Affair; — To give the Reader some Taste, both of his Language and Politics, we shall extract one Paragraph from that Work, wherein, the whole Proceedings of this last Session are included. He tells us, ' That, on the Meeting of this Session of Parliament, the Members were willing to secure their Allegiance to the King, out of Piety; yet, they were so strict even in these youthful Days, which he called Obstinacy, that they would not obey him in his Encroachments upon the public Liberty, which he began then to practice. For being now seasoned with seven Years Knowledge in his Profession here, he thought he might set up for himself;

Remarks thereon.

An. 8 James I. himself; and not be still Journeyman to the lavish
1610. Tongues of Men, that pryed too narrowly into the Secrets of his Prerogative, which are Mysteries too high for them, being *Arcana Imperii*, fitter to be admired than questioned. But, the Parliament were apprehensive enough, that these hidden Mysteries made many dark Steps into the People's Liberties; and they were willing, by the Light of Law and Reason, to discover what was the King's, what theirs: Which the King, unwilling to have searched into, after five Sessions, in six Years Time, dissolved the Parliament by Proclamation (z).'

Our Historian has thought proper to mention this Proclamation, only, without giving us a Copy of it: But we are beholden to the *Continuator of Stowe's Chronicle*, for a genuine Transcript of this Act of State, which will fall very aptly in this Place; and therefore we give it in its own Diction and Orthography.

The King's Proclamation setting forth the Reasons of this Dissolution.

WHEREAS the King's most excellent Majestie hath continued this Parliament together, longer than hath bin usual, or might well have stood either with his importaunt Affaires of State, or with the publicke Busines of three whole Termes spent in the two last Sessions; or with the Occasions of the Countrey, where the Service and Hospitality of many Persons of Qualitie hath beene missing, and divers Shires, Citties, and Burrough Townes have beene burdened with Allowances made to the Knights and Burgeses whom they employed; besides the particular Expense of the Nobilitie and others attending that Service. And all this in Expectation of a good Conclusion of some of those weighty Causes, which have been there in Deliberation, not only for the Supply of the Necessities of his Majesties Estate, but for the Ease and Freedom of his Subjectes, in many Things proposed by his Majesty in Parliament, for differing and surpassing the Favors and Gracies of former Times, both in Nature and Value. His Majesty hath

(z) Wilken in Knapet.

bath now resolved (for preventing of further Trouble An. 8 James I. 1610. of all those that would prepare themselves to be here against the Time limited by the last Prorogation) to declare by these Presents that they shall not need to give their Attendance at the Day appointed, for any Service to be done as Members of this Parliament; because his Majesty (for many good Considerations known to himselfe) bath now determined to dissolve this Parliament, by his Commission under his Great Seal of England.

Dated, at Whitehall, 31st of Dec. 1610.

There was also, some other Business, besides the Great Contract, begun in this last short Session of Parliament; and some of it of publick Use and Service.

A Bill was brought in for the better Preservation and Increase of Wood and Timber. Another against Transportation of Iron-Ordinance, Gun-Metal, Iron-Oar, Iron-Mine, and Iron-Shot. A Bill for the Erection of Common-Brew-houses, in certain Places needing the same, where-
A.B. passed
by the Subjects may be much eased, in point of Carriages, at the Times of his Majesty's Progress, and Drunkenness the better suppressed. A Bill to avoid Suits and Questions touching Wills of Land. And a Bill for the enabling and making good of Leases and Grants to be made by the Prince of Wales; and for yielding of true Accounts, upon Oath, by his Highness's Officers from Time to Time. But, all these, and, in all Likelihood, many more that would have ensued, were prevented from taking Effect, by the sudden Dissolution of this Parliament.

King James and his Parliament parting in such ill Humour with one another, without concluding any Thing, relating to the Great Contract between them, the Royal Prerogative stood as it did before; and the King is said, now, to put it in Practice to the full Extent of his Power. The Reader must be his own Judge, by the Account already

An. 8 James I. already given, how far the King's Concessions
2610. went, towards a perfect Agreement, in these Articles. And, if the Parliament, by grasping at too much, lost all; or were for driving too hard a Bargain, about Things which could not be purchased too dear, they themselves were to blame to lose the Market. It must be allowed, by any that has read the Parliamentary Proceedings, in former Reigns, that James gave greater Liberty to his Subjects to speak and treat about such high Matters, than the mildest of his Predecessors ever did (a). A Recollection of the Jealousies practised in the last Reign, only, will evince the Truth of this; for Elizabeth never suffered her Parliaments to touch the least upon her *Prerogative*, either in Church or State: Prisons, and such like Punishments, were the Rewards of those that attempted it.—But to proceed:

Anno 1611.

King James now began to exercise the Regal Power solely; at least, let no Body share with him but a Succession of single Favourites; which have ever been the Bane of Princes. The happy Situation the Kingdom was in, as to any foreign or civil War, throughout the whole Course of his Reign, made Way for Riches to flow exceedingly; and these, generally, breed what they ought not to do, Pride, Contention, and Deceit. There were yet no Taxes, imposed on the Subject, any Ways burdensome; the Grant of *Subsidies*, *Fifteenths* and *Tenths*, during this King's Time, being but a poor Pittance, compared with the liberal Donations in the Reign of his Predecessor. And how he kept up the great State and vast Expence of his Court, without more Aid, is a Secret in History.

An Aid for the Marriage of the Princess Elizabeth.

Anno 1612.

Some few Assistances, without the Help of Parliament, are obvious: The King claimed an Aid of his Subjects, according to ancient Custom, for the Marriage of his Daughter Elizabeth, to Frederick, Elector Palatine; which was solemnized, with great Magnificence, February the 14th, in

(a) See before Page 230, and in Vol. IV. *passim*.

in the Year 1612. But, the King's Joy, for this Match, must have been greatly clouded, by the dire Remembrance of the Loss of his eldest Son, Prince Henry, who died Nov. 6th preceeding; a Prince whose great Character promised very much to the Succession (b). At this Time, the King's chief Favourite and Counsellor was one Robert Carr, a Scotsman; who, from a low Original, was first knighted, than created Viscount Rochester, and afterwards Earl of Somerset. This Man (the King's old and faithful Counsellor Robert Cecil, Earl of Salisbury, being dead) ruled all; and, by enriching himself and impoverishing his Master, soon brought him to want Supplies. But, how to gain them, without the Assistance of Parliament, a Way they neither of them liked, was the Question?

An. 10 James I.
1612.

The Death of
Prince Henry.

Carr, Earl of
Somerset's, Pro-
jects for raising
Money.

Anno 1613.

The first Project this new Statesman put the King upon to raise Money, was to erect a new Order of Dignity and Worship, called *Baronets*. The Number of them was to be two Hundred; their Honour and Degree next to *Barons*; the Title that of a Knight, which was to descend to their Posterity; and for this they were to pay one thousand Pounds apiece. The Pretence for it was to plant Colonies in the North of *Ireland*; for which, the bloody Hand, the Arms of the Province of *Ulster*, was added, as a Trophy, to the *Baronets* Escutcheons.

The next Scheme was to raise the Price of *English* coined Gold; which was done by a Proclamation, first prohibiting the Transporting of it, and then raising its Value two Shillings in the Pound. So a broad Piece of Gold, called the *Unity*, before going for twenty Shillings, was raised to twenty-two Shillings; and all the lesser Gold Coins in Proportion. Yet this, as the Proclamation expresses it, was no more than what the *English* Coin was valued at abroad; which was the Occasion that so much of it was transported (c).

There

(b) Camden's *Annals*.

(c) See Continuation of *Stowe's Chronicle*, Page 911.

An. 11 James I.
1612.

The first State-
Lottery in Eng-
land.

There was another Project, which was said to be granted by his Majesty's special Favour, for the Planting of *English Colonies in Virginia*; this was by way of *Lottery*, and, as it is the first of the Kind we have hitherto met with, deserves our Notice. The Bank of it was but small, considering the great Value of those in our own Times; there was but five thousand Pounds assigned for the Prizes, besides some casual Rewards. It began to be drawn in a new built House, at the West-End of *St. Paul's*, *June* the 29th, 1612. but for want of filling the Number of Lots, there were taken out of the *Lottery*, and set aside, threescore thousand Blanks, without abating one Prize. By *July* the 20th, all was drawn and finished; and, as our Author says, the *Lottery* was so plainly and honestly performed, that it gave full Satisfaction to every one; several worshipful Knights, and Esquires, and grave discreet Citizens attending at the Drawing. The chief Prize, amounting to four thousand Crowns, in Plate, was won by *Thomas Sharpliff*, a Taylor, in *London*; to whose House the Prize was carried with great Pomp and Solemnity (d).

Which not answering the End, a new Parliament is called.

Whether this last was a Trick of State, of the Ministers, to raise Money for his own Use, or was really for the Purpose above, is uncertain; however, it is sure none of their Ways would do, nor answer the pressing Necessities of State; and therefore a Parliament was resolved on to be called for that Purpose. Accordingly, Writs were sent out, for one to meet at *Westminster*, on the 5th Day of *April*, in the Year 1614, and the 12th of this Reign.

Anno Regni 12.
1614.
At Westminster.

The usual Preliminaries at the Meeting of a new Parliament being settled, such as admitting Proxies, appointing Receivers and Tryers of Petitions, &c. the King came down to the House of Lords, and being seated on the Throne, thought proper to make the following Speech to both Houses of Parliament.

This

(d) See Page 915.

This Speech is in no printed History, nor Collection that we know of; we therefore give it in its own *Orthography*, from a Manuscript in the *Cotton-Library* (e). An. 12 James I.
1614.

IT is the Sayeing of the wyfeste King that The King's
Speech at open-
ing the Session.
ever was, *That the Harte of Kings weare* *inscrutable*; but in the laste Parleamente, I muste calle to your Remembrance the Comparisone I used, whearin I presented myselfe unto you as a Mirrore, whearin you mighte cleerelye see the Integretye of my Purpos for our lengtheninge that Parleamente for the generall Good and Benefyte of the Commonwelthe; but as I then sayd of the Nature of a Mirrore, that it mighte be deffyled by the Eyes of the Behoulderes, so did some of the Lowere Housse looke upon me with polluted Eyes, and, as I may saye, deffyled my Mirrore; I canne saye no more nowe then I did then, but to offere you the same Mirrore, to [looke to] protestyng as I shall answere it to Almyghty God, that my Integretye is like the Whitnes of my Roabe, my Purty like the Mettle of Golde in my Crowne, my Firmnes and Clearnes like the presious Stones I weare, and my Affectyones naturalle like the Rednes of my Harte.

Three important and weighty Ends have caused me to caule this present Assembly of the Lords Spirituall and Temporall, the Knights and Burgeses representyng the Bodey of my Comones, which I muste divide into three Parts and Branches, *Bona Anima*, *Bona Corporis*, & *Bona Fortuna*, Relygeon, Safety, and the Assystance of my Subjects, which are the true Grounds of this and all well-intended Parleaments.

For Relygione, which the Philosopheres, with the glymering Lighte of Nature, caled *Bona Anima*, I muste comend to your Considerafones, the great Increase of *Poperie*; notwithstandinge the affiduouse Labore I have bestowed, and the greate Care I have ever manifested, as may wit-

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ness

(e) MSS. TITUS, F. 4.

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ness both my Penne and Tonge, I think, with
moare Paynes than any of my Predecessores;
and for my Zeal in private, not to vant of it,
for avoydinge vayne Glorye, yet I hope all my
Course of Life and Actyones will speake for
me.

In this is to be considered the Cause and the
Remedye; for the Cause, it is undoubtedly Im-
punitie which made them presume to so notory-
ous Declarafones of their Increase, and their Im-
punitie proceedethe from two Reasones: First,
Some Brainches of the Lawes made to meet
with them are so obscure, that I myself, with
Conference with my Lords the Judges, cannot
cleere them; as I could instance in many Parti-
culers, that this Time weare fite for it, as in
the Oathe of Alleageance, to which many Scr-
uples have risen, and are yet unresolvede.

Secondlye, For Want of due Presentment in
the Contreye by the Offyceres appoynted to it,
according to the Provysione of the Lawe; and
in some Places when presented, yet they are so
favored by the Justices of Peace, that as a Lieū-
tenant of myne in one Contreye hath inform'd
me, he could not procure three of the Peace,
excepte some of his owne Friends and Servants,
that woulde assiste him in the due Execushone
of my Lawes. And this in the first Place, I
comend to your Considerafones.

Not that I desire to make any newe or more
rigorouse Lawes againste them; but that these
may have Execushone, which is the Life of the
Lawe, and without it they are but deade Words.
I speake this not for my Favore to them, but
for Consyense and Pollesye.

For Consyense, to avoyde the Scandalles
which the *Jesuites* have ever caste uppon the
late Queene of famos Memory, and uppon my
Governmente, that we have persecuted and ta-
ken Bloode for Relygeonc, which I have evere
disclaymed.

For

For Pollesye, sinse no State nor Storye cane An. 12 James 4
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evidense that any Relygeone or Heresy was
ever exterpated by Violence or the Swoarde,
nor have I ever judged it a Waye of Plantyng
Truthe. An Example of this I take out of the
Booke of *Iobe* (f), whereas when many rigo-
rouse Counsels weare propounded, *Gamaliel* stood
upe and advised that, *If that Religion weare of*
God, it wold prosper; if that of Man, it wold
perishe of itselfe. Besyde Mene are so prone to
glorye in defendinge and sealinge their Oppinyones
with their Bloode, that the Primityve Chirche,
in one Age, declyned into an Affectation of
Martirdome. And many Heresy's hathe had his
Martires that hathe gone with the same Alacretye,
and Desyre, and Assurance, to the Fyre, as those
that have witnessed for the Truthe have done.

The second and nearest Consyderaſon, to
the Soule, Relygeon, is the Safty or *Bonum Cor-*
poris, which *Lattyne* hathe but one Worde *Salus*.
The principall Safetie of this Boyde consyſtes in
the Preservacione of the King and his Issue, and
this in preſſerving a due Succesſyone.

Since the laſte Parleamente, God, for my
Synnes and the People, hath takene awaye one
and the first Branch thearof, but as he gave me
the Afflyctyones of *Iobe*, so hathe he gevent me
the Patyense, and in the end the Rewarde, an-
other for him, a Grand-child in his Plase, only
the Sayeng of *Iobe* inverted, *The Lorde hathe*
geven, and the Lorde hathe takene, I may say,
The Lorde bath takene, and the Lorde hathe geven,
yea, he hath geven me Compensatyone, *eodem*
Genere, a Sonne for a Sonne.

For the Matche of my Daughter, though I
must saye, that besydes his many other good Qua-
lities, he is one whom for his Person I could
asserthe, of all that ever myne Eyes beheld;
yet, I made this Matche only *Reipublicæ Causa*;
and for Establisshemente of Religion and the
Comone-Welthe have I sacrefysed my Daughter.

S 2

For

(f) *Sic Orig.*—But this Passage is in the Acts of the Apostles.

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‘ For the Comone-Welthe, that if my Issue Male shulde faile, you could have not only Princess borne of true *Englishe* and *Scotts* Bloode, but norishede with the Mylke of the same pure Relygeone you now proffesse.

‘ For Relygeone, in some respect for her, that being younge and a Woman, bothe subiecte to Frailtye, I wold not delyver hir into the Hande of the Lyon, when I see so many strong and grounded Champyones cannot resiste the Cunning and Spetiousnes of their Perswasayones.

‘ Befyde the Reasone of State taken from the Mouthe of *Henry VIIth.* my Ancestore, from whome I clayme my Crowne, when he gave my Great-Grand-Mother the Lady *Margarate* to King *James Vth.* he sayd, *Heare was no Danger in the Matche, for that the Leslere wold never drawe the Greater, but the Greater the Lesse*; and this Rulle was approved by the Providence of God, who gave no Issue to the two *Marys*, my Mother (*g*), and *Mary of Englande*, Heires of his Crowne, and marryed to *France* and *Spayne* two mightye Kingdomes.

‘ Thearfore, I desyre you to shewe your Affection to my Sonne in Lawe, by some Recognition, that he may see hee is not helde as an Aliene and unregarded among you, and to make a Declarashon of the Succeshone of his Issue, if God for our Synnes wold take away my Issue Male.

‘ To the third Pointe, which is *Bona Fortuna*, as the Safety or *Bonum Corporis* is the *Esse*, so is this the *Bene-Esse* and mooste necessarye to it.

‘ The extraordinary Charge I was at in this Mariage, suche as I beleeve was nevere greater, which I did performe in the Eyes of you all, for my Honor and yours, is not unknowne, howe by the Deathe of my Sonne, the Mariage being put of, I was constrayned to defraye my Sonne in Lawe and his Trayne six Monthes.

‘ The

(*g*) Alluding to his Mother's having no Issue by her first Husband *Francis II.* King of *France*.

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‘ The greate Expence bothe by Sea and Lande
‘ for transportyng hir into a farre Contraye, an-
‘ swerable to my Honore and Hirs, and this King-
‘ domes, cannot be forgotten by you. Yet if any
‘ objecte the Aydes, I referre it to youre Consy-
‘ derashons and Judgment, howe lytle it is, me-
‘ sured by the Tymes whearin it was firste grant-
‘ ed and by this; every one of you seileth it in
‘ your Fees of Courte that are my Servants, and
‘ in anntyente Rente this Change of Tymes.
‘ Therefore, sinse *Reipublicæ Causa*, I have under-
‘ gone this Disbursement, it is the Common-
‘ Welthes Interesse to repaire it,

‘ Besydes many greate Occasyones of Expence,
‘ by Entertainmente of forraine Princes and Am-
‘ bassadors, the greate and large *Christmasses* I have
‘ kept at my Comyng to the Crowne, the Feare
‘ of *Ireland*, and the Consyderashone of that
‘ Newes bothe of Peace and Ware are many; I
‘ doubt not but your Affectyones will holde some
‘ Proporsyone with my Wante.

‘ But I muste be playne with you, I will deale
‘ no moare with you like a Merchante, by waye
‘ of Exchange, for every Bargaine chete the Lone,
‘ I will expect loving Contribushone for loving
‘ Retribushone, which is, *Suum cuique tribuere*,
‘ the Sume of all Justyce; and to take care bothe
‘ for your Ease and Preservasone,

‘ To come to accompte with you how and
‘ what, it is too base for my Qualletye; I will
‘ only proove what you will doe in your Love,
‘ and what the People can spare with their Ease;
‘ and notwithstanding my many Straights, I have
‘ chosene to relye on your good Affectyones ra-
‘ ther than to streche my Prerogatyves.

‘ But first, I muste cleare some Rumores and
‘ Asperisyones caste abroade by ill Affectyones,
‘ that heare are some private Undertakers uppon
‘ whome I dide relye, who with their Credite or
‘ Industerye, wolde doe greate Matters: First,
‘ As I proteste it is in itselke false, so is it unwor-
‘ thie of me, because I had rather have any thing

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‘ with generall Love, moare respectyng the Soures
‘ and Affectyon from whence it is derived, then
‘ any Proffyte by them. This I hope you will
‘ credite; silence all the dissonante and jarringe
‘ Stringes of the Kingdom, which shall bringe
‘ you home your Prinsees Grace and Favore.’

Sir Randolph
Crewe Speaker.

After the King had ended his Speech, the Lord Chancellor made a short one, according to the Order of the House; the Purport of which was, to signify his Majesty's Pleasure to the Commons, that they should retire to their accustomed Place, and there, out of their own Body, choose one, fit and able, to be their Speaker, and present him to the King on *Thursday* the 7th of *April*. Accordingly, on that Day, the Commons presented Sir *Randolph Crewe*, Kt. as their Speaker; who was introduced to the King by Sir *Ralph Winwood*, Kt. principal Secretary to his Majesty, and Sir *Julius Caesar*, Kt. Chancellor of the Exchequer; and, with the usual Ceremonies, was allowed.

The first Thing the Commons did, after this, was to make an Order that every Member of their Body should take the Sacrament at St. *Margaret's* Church, *Westminster*. This was done, says an Author, to see whether a Discovery might be made of those inclined to the *Papish* Religion, but not one refused it (g).

Bill concerning
Frederic, Count
Palatine, &c.

April the 8th, a Bill was brought into the House of Lords, entituled, ‘ An A&T concerning the High and Mighty Prince *Frederic*, Count *Palatine* of the *Rhine*, &c. and the High and Mighty Princess *Elizabeth*, his Wife, Daughter to the King's Majesty, and their Issue.’ The same Day the Lord Chancellor delivered the King's Pleasure, That all the Lords, Members of that House, should To-morrow, by two o'Clock in the Afternoon, attend his Majesty at the Banqueting-House of the Court, there to understand his

(g) *Canda's* Annot.

his further Pleasure and Direction, touching certain Business to be treated on in this Parliament.

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We are not told by the *Journals*, what the King said at this Meeting; nor, like the former Speech from the Throne, is it mention'd by any Historian, or even printed in this King's Works. We are, therefore, obliged to the before-cited great Repository of Antiquities, for this Speech also; which, by the Favour of the candid Mr. *Casley*, the present Librarian, is transcribed from a Manuscript, as old as the Time, and in its own *Orthography*.

ACCORDING to my Promys, I will make you that Presente I mentioned the other Day at our laste Meeting; but first, I muste make a Requeste, that consernynge which I offer, you will looke uppon the Affectyon of the Givere, and not the Vallue of the Gyste; especially, because it is supported between twoe so beutefull Shuiters, Sinceritye and Love; for Sinceritye without Love may be too coulde, and Love without Sinceritye Dissimulation; but whear thes two are conjoyned they make a perfecte Bewtye; it is the Contynuance of that Mirrore, which I onse offered and nowe presente againe, and *Dimidium Pacti qui bene coepit habet*, I have begune *bonis Auspiciis*, to make it a Parleamiente of Love, that as the laste begane with Discorde and ended so, so this maye begine with Concorde and Love, and contynue so.

The King's second Speech to the Parliament.

I may offere; it is my Parte to be gracious, and yours retributyng, I maye reseave Assystance and you Ease, not to me, but to the Thing which is also the Goode of yourselves, the comone Good, that wee doe mutually owe in Love. And I maye saye with the Prophete, *Woe is to him that shall caste Dissensyon*; if the Kinge and Comone-Wealthe weare contrary, Devishone mighte ensue, but beinge one as they are, this holey Emulation of mutual Goode shall begyne To-daye one my Parte, and one

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yours hereafter; that the World maye see the
Love of the Kinge to his Subjectes, and your
Love to the Kinge, and thear shall be no Emu-
lasyon but who shall offere with moſte Af-
fectyon,

God is loved for the Gyfte he beſtowethe,
and loves againe for Thanke, which is all Man
cane give, and thearfore in Scripture goode Men
are called the Friends of God, becauſe they are
benevolente; and I that am Kinge and in that
Offyce doe repreſente God that muſte geve,
begine with Offyſes and Gyſtes, and expecte
from you a Chearfullneſſe in Retribuſhone, with
a greatfull Harte, accorдынge to a comone Pro-
verbe manye Tymes uſed to mee, by manye of
the Courte to move me to ſome Suite, that they
dide moare reſpecte the Signefycatione of my
Grace and Favore in ſuch a Marke of my Be-
nevolence, than the Vallue of that which was
demaunded; but becauſe I wolde not make any
abrupte Speche to you, I will remember you of
ſomewhate ſpokene the laſte Daye, to ſtyre you
upp to goe one to the principle Buſeneſſe with
moare Alacretye.

Fiſt, As I ſaye, a *Jove Principium*, to have
Care to the grate Encreaſe of *Poperie*; yet I
wold not have *Papiſtes* to vaunte of theair goodes
Seede, ſinſe theair greateſte Conqueſtes are one
Weomene and ignorante Perſones; they aſſaylle
onlie the weaker, and gete to them not ſuche as
they wold but ſuche as they cane, and it is verey
remarkable, an ill Cauſe is moſte vigilente and
carefull to defend itſelf; yet, as I ſaye, not to
proceed to towche Lyfe or Lande; for, as I not-
ed, Perſecuſhone was never a juſtified Waye
of eſtabliſhing Relygeon; but by the Execu-
ſhone of goode Lawes, in which lette my Lords
the Judges witneſſe for me, if I do not twiſe a
Yeare give it them in Charge, that they enquire
of that Encreaſe in theair Circuits; and alſo
twiſe every Yeare require an Accompte of it;
and for ſome Remedy thearin, I deſire you the
Lords

Lords of the Upper House, to confulte with the Judges; and you of the Comones with your owne Lawiers.

To that I speake of the Oathe of Allegiance, I intended it not in the Lawe, for thear is nothing in the Substance of it but every good Subject may receive it; but in the Waye howe to admynefter it, bycause Men maye keepe Home in thear owne Houses, thear is no Provisihone howe Men maye be cauled to it; it is true, that it is a gräte Happyness that Men may lyve in Quiete under the Lawe, every Man under his owne Olyve and his owne Vine, but this Sweetnes oughte not to extend to those, that make that a Protectyon to lyve againste Lawe.

For that which concerned my Sonne in Lawe, I shall not need to saye much, I doubt not to fynde you redy; and the Bylle, I thanke my Lords, hathe bine alrede rede and welle received of them.

For the third Parte, which concerned the Reliefe of my Estate, I pray you understand me arighte, for righte Understanding is the Effect of true Elloquence; I speake to you the Knights and Burgeses representing the Comones, bycause yours is the greatest Parte and you suffer moste, that you will confydere the Charge I was at in the Maryage-Pointe.

The State of *Irelande*, which I pretend not without iuste Cause, yet without Feare; for though they cane never be reduced to so perfecte Obedyence without Establismente of Religion, yet in the laste Tryalle of thear Parleamente, I have found many goode Subjectes theare.

Yet confyder that the Memberes most removed from the Harte have moste Neede of Succore; they lye moste obnoxious to Harme, and as a Praye to all Enemyes of the Bodye; and though none of myne Ancestores could never be cauled so absolutly a Kinge of that Contraye as I maye, yet thear muste be a gräte Care had

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‘ of those remotest Partes of the Dominion which
‘ have alwayes byne Emuactories of *Englande*,
‘ and whearin moare hathe byne spent in one
‘ Yeaere then wold, by Frugality, be saved heere
‘ in manye.

‘ I do not, as I sayde, offere you lyke a Mar-
‘ chante or Charlataine, but to lette you see what
‘ I owe you in Justys, *Suum cuique tribuere*; yet
‘ what I geve, Free-Grace will require that you
‘ accepte with Chearfulness.

‘ I demaund not this nor that, but only the
‘ Ground of your Love, and the Measure of it
‘ by the Measure of your Benevolence; but what
‘ shall be the Ende of this, the Kinge will growe
‘ in Love with Parleamentes, and so be ever draw-
‘ inge and wearinge of his Subjectes. I answer,
‘ my Comforte shall be onely to meete you to
‘ consulte of the comone Weallfares, and howe I
‘ may ease you, and to-receave your Greevances,
‘ for I hope to fynde a Waye, by improovinge
‘ my Revenewe justely; beleve me, I shall be
‘ ashamede to demaund any moare in this Kynde,
‘ or to be ever importunate; yea, as I saye, of any
‘ private Men; but this as I vowe it is farre from
‘ my Harte to accepte, so hathe it nevere byne
‘ offered; it is true that every honeste and goode
‘ Subjecte oughts to offere his Camelles and Ser-
‘ vice unto me, and so, perhaps, I have herde the
‘ Oppynyones of many, but nevere in so unwor-
‘ thy a Proposytion.

‘ The Rumore perhaps hathe growne from the
‘ ambyssyous Contensyon of some Men, in the
‘ Electyone of some Knyghte of the Sheeres,
‘ which I nevere herde of before. 24 Howres;
‘ what I wholye disavowe, that I nevere direc-
‘ tly or indirectlye dide prompte or hinder anye
‘ Man in the free Electyone, and wheare anye
‘ Faulte have come by me I wolde have the Rezine
‘ syned for it; nor dide I ever put any Confydence
‘ in a partee Parleamente, and of this I appeale
‘ to all the Sheeryses and Lordes, let them accuse
‘ me freelye.

‘ Another

Another Brainche I must add to the former An. 12 James 4
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Three, which indeede concernethe bothe Safty
and Proffyte, and concourethe to them bothe;
that wee maye meete this Parleamente to re-
moove and take awaye all Oppynyone of Dri-
nes betweene me and my Subjectes, which our
lengthenyng out the lasse hatheriefted in the
Harte of manye bothe at home and abroad; of
which thoughte some of the Lower House weare
in parte guilty, yet I muste confesse theare was
Misunderstandinge on bothe Sydes, and perhaps,
Mesage broughte betweene us by some (whom
God forgyve) rather to countynence and en-
crease then to reconfylle and cleare the Errore;
but, *Sublata Causa tollitur Effectus*, this beinge
removed and our Understandyngs rectefyede, I
hope, this shall be cauled a Parleamente of Love.

I will begyne my Parleamente contrary to the
Ordere of all other, who gave, lyke a Retribu-
shyone, theire Graces in the End; but, I will
begine this with Offeres to you, which I speake
not to intyse you or intrape you, but severalley
to shewe my Love and Intensyone to unburthen
you of many Greefes; but I resarre the Party-
culeres to be delyvered in Wrytyng at our nexte
Meetyng,

To conclude with some generall Notes to ad-
vance the Busenes for which we are mette; I
commend to your Consyderacions, the Tyme of
the Yeare farre spent, the Waight and Impor-
tance of the Affaires compared with it, will styre
you upp to proceede rowndley, and not to loose
Tyme in Cerremonyes and Trifles.

Secondly, To remembre that what Greevan-
ces come into Questyone, that you will use a
Meane, I confels it is more fyte you should
presente them unto me, every Man for his Con-
traye or Pounge wheare he is burthened, provid-
ed they be fyte Greevances; but to heape them
together in one Scroule, lyke an Armie, will but
caste Asperfyone uppon me and my Gouver-
mente,

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mente, and will favore moare of Discontente,
then Desyre of Reformatiōn.

And do not beleeve I am so tendere of my Pre-
rogatyve as some have rumored me; I desyre to
keepe also that Meane, as I wolde not loose any
the Honores and Floweres of my Crowne,
which I have receaved with it, but rather loose
my Life; so I wold no waye stretche them, no,
I will wade no further thearin then the beste of
my Predecessors have done.

And wheare any Controversyes arise, my
Lordes the Judges chosene betwixte me and my
People, shall discide and rulle me.

As touching Proclamashones which in the laste
Parleamēte was excepted at; as he is a trayte-
rous Subjecte that will saye a Kinge maye not
proclayme and bynd by it, so did I nevere in-
tende Proclamashones to have Force of Lawe,
but to prevent Misgeese arrisyng, whearin the
Lawe hathe no Provisiōn; untill a Parleamēte
cane provide; and this I speake because of my
laste long Proclamashone consernynge Duellēs,
which I proteste, I dide oute of Confyence to
meete with that giddy Opnyone of Reputatiōn,
seeinge they have found a Shiffle to avoyde the
Provisiōn of Lawe by Things beyonde Seas, by
the Example of the late Kinge of *Fraunse*; hop-
ynge it shall take bettere Effecte then thear it
hathe done, by reason of this Things Notorie-
tye, which, howe barbarous it is, that every
Fellowe that hathe byne but over in the *Lowe-*
Contrées, thoughe he retwrn in Raggs, shall
come a Judge of Honore; to meeete, I saye,
with this Inconvenyence, untill a Parleamēte
could take Order thearin, which nowe I com-
mende to your Grace and Consyderatiōn.

Lastely, The Forme I meane to hould in our
Proceedinges, to avoyde the longe Conferēces
betweē the Upper and the Lower House,
which breede but Delaye; for sometymes the
Lower House broughte nothings but Tonges,
sometymes nothings but Years; I meane to
propound

propound to the Lordes Matteres propre to them by Bylles, and the lyke to you, and to speake to you myself and receave your Answers; this to prevente unnecessary Meetynges, and to hastene our Busenes, that wee maye proseele to the moste urgente Points. And I do propose to contynewe this Parleamente to another Sesshones at *Michelmas*, when maye be supplied any suche Defecte as this shorte Tyme will not geve Leave, perhaps, to be amended.—For I will meete you oftene in this Kynd to shewe myself contrarye to all Tyrantes, who love not Advysynge with their Subjectes, but hate Parleamentes; but moste I desyre to meete with you when I mighte aske you nothings, but that we mighte conferre together freelye, and I maye heare oute of everye Cornore of my Kingdome the Complaynte of my Subjectes, and I will deliver you my Advise and Asystance, and wee will consulte onely *de Republica*; so shall the World see I love to joyne with my Subjectes, and this will breede Love as Acquaintance doth amongste honeste Men, and the contrary amongste Knaves.

That as the laste Parleamente begane with Trouble and Contentshone and ended so, so this maye begine with Alacretye and Love, and conclude so lykewise; whear Sastie shall be abroad and Love at home, and all Aspersiones and Rumores of Discontente betweene me and my People shall be takene awaye, and wee maye synge together, *Ecce, quam bonum et jucundum*; and when you shall retwrne to your Contraye, you shall have Prayses, and be approved in the Choyse made of you, that you have behaved yourselves discretelye, that you have geven Contentte to your King, and accorded.—But I shall be ashamede to be wearisome to you.

Howe to proseele in this mutual Love, to meete in a sounde Oppynyone with the Kinge, as he doth with you, is a Parte of your Worke.

For

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1614.

For Undertakers, I proteste, I never was forced to call or relye upon anye but your generall Love, and if anye had byne so foolische to offere it, yet had it byne greater Folley in me to have accepted it; and for Elecyones and patchinge a Parlemeute, I knowe none of them, nor interceded, and who will doubt of this gives me the Lye. I did proceede with a Desyre to truste my Subjectes, and to this my Counsell and other Gentlemen have encouraged me, that as I intended gratyously to them, they wold deale lovingly with me, and this was all the Undertakinge.

To remembre the Shortenes of Tyme, to avoyde all Cureofetye, and to proceede with Celeretye to the moste waighty Affayres; and if anye sholde beginne with newe Matteres, newe Questyones, *Rejice annales Fabulas, rejice Genealogias*: If anye bringe Discorde amonge you, account him an Enemy that doth not only not maintayne this *Summum Bonum*, this Harmony, but seekes by dissensyous Questyones, to sever the Affecyones of the Kinge and People; that I maye rise with Desyre to returne and meete you oftene, and you returne with the Praise of discreete and well-tempered Men: If anye Man preche anye other Doctryne, *Anathema sit*, and esteem his Elloquence as a guilderie Sepulchere: This I have spokene to your Hartes, your Affecyones, and to your Heades, your Reasones; and if anye other Issue succorde, blame yourselves, for I have dealte with Sinceritye. And will conclude with my Offeres, which, because they proceede of Grace, I have put them into Bylles.

There is not any thing, in the *Journals* of this Session, material enough to be taken Notice of, until May the 7th; when the Lord Chancellor moved the House, That an Order, made the last Session of Parliament, for the better Attendance of

of the Peers, might be read and confirmed ; which An. 12 James II
was done accordingly. 1684.

May 21st, a Message was sent from the Lower House to the Lords, to desire a Conference with them, touching the Point of *Impositions*; but, the Number of the Committee, Time and Place was left to their Lordship's Appointment. The Messengers being withdrawn, the Lords resolved themselves into a Committee of the whole House, to consider what Answer was proper to be returned to the said Message.

The next Day this Matter was resumed ; it appearing to be a Business of great Importance, and *vexata Quæstio* ; the Lord Chancellor shewed the House, ' What Disadvantage it would be to the King's Cause, as well as to their own Honours, if altogether unprovided, they should meet with the Lower House. In which Regard, his Lordship moved, That the Lord Chief Justice, and Chief Baron, with one Judge of each of the said Courts, there named, who had been required and were then present to assist that Court, might now be heard to deliver their Opinions, for the better Information and enabling of their Lordships to treat with the Commons on the Point of *Impositions*; and that no Answer should be sent down to the other House, 'till this was concluded.'

This Motion occasion'd a warm Debate amongst the Lords, some approving and others disliking the Motion ; and the Difference not likely to be settled by Arguments on either Side, it was at last agreed that the Lord Chancellor should put the Question :

' Whether the Judges should deliver their Opinions, touching the Point of *Impositions*, before a farther Consideration be had of an Answer to be returned to the Lower House, concerning the Message from them lately received ?'

This Question was carried in the Affirmative ; and the Judges desiring to withdraw a little into a private Room to advise by themselves, they soon after returned ; and standing uncovered in their

An. 12 James II.
1684.

The Judges decline giving their Opinions there-
on.

their proper Places; the Lord Chief Justice, in a grave and eloquent Speech, 'Humbly desired to be excused, for that Time, giving his Opinion in the Case, for many weighty and important Reasons which he mentioned. Concluding, that he and his Brethren were to speak upon Particulars in Judicial Courts, between the King's Majesty and his Subjects, and likewise between Subjects themselves; but, in no Cause, to be Disputants on any Side.'

Then the Lord Chancellor moved the House, That forasmuch as no Opinion or Direction was to be had from the Judges, they would now advise what Answer was to be sent to the Lower House, who expected to hear from them. But Time not now serving, the farther Consideration thereof was referred to the next Morning; and the Judges were ordered to attend again.

The next Day, May 24th, the Lord Chancellor renewed his Motion of what Answer, &c. on which arose another strong Debate in the House, many of the Lords approving, and others disapproving of any Meeting at all with the Commons on this Point: Since they all, in general agreed, That the Lower House was not bound by any Order or Course taken by their Committee, but free and at Liberty to alter the same, or vary from it, as their Judgments led them: But, to put an End to this Debate, it was agreed that another Question should be proposed by the Lord Chancellor to this Effect:

'Whether this House shall meet with the Lower House, and give them a Hearing touching the Point of *Impositions*?' And the greater Number of the Lords answering, *Not content*, it passed in the Negative.

But still some Message must be sent to the Commons; and that Day being far spent, the Matter was again put off to the next Meeting. Accordingly, May the 26th, the following Message from the Lords was agreed upon to be sent to the Lower House:

'Whereas

Whereas the Knights, Citizens, and Burgeſſes of the Commons Houſe of Parliament, did deſire of the Lords a Conference concerning *Impoſitions*; to which their Lordſhips answered, That they would take it into Conſideration, and ſend them an Answer by Meſſengers of their own; their Lordſhips do now return this Answer unto them, That they are, and always will be willing and ready to hold a loving and mutual Correſpondence with them: But their Lordſhips having entered into a grave and ſerious Conſideration, as well of the Matter itſelf, as of divers incident and neceſſary Circumſtances, do not think it convenient to enter into any Conference with them concerning the Point of *Impoſitions*, at this Time.

Ad. 12 James I.
1614.

And the Lords
refuſed a Confer-
ence;

The ſame Day two Bills were brought in, and read a firſt Time in the Houſe of Lords, one of them intituled, ‘ An Act againſt Vexation of his Ma- jeſty’s Subjects by the Aſſigning of Debts to the Crown.’ The other, ‘ An Act for Repeal of a Branch of a Statute, made at *Weſtminſter*, An. 34, Hen. 8, intituled, ‘ An Act for certain Ordinances in the King’s Maſteſty’s Dominions and Principality of *Wales*.’ Upon reading of both theſe Bills, the Lord Chancellor obſerved to the Houſe, ‘ That theſe were Bills of Grace, offered by the King to his Subjects for their Eaſe and Benefit.’

But theſe Conceſſions of the King’s had no Effect on the Houſe of Commons; they were ſo much irritated againſt the Lords for not yielding to a Conference: And, on *May* the 28th, a Meſſage was ſent up to the Higher Houſe, by Sir *Edward Hobby* and others, in theſe Words:

‘ That at ſuch Time as the Knights, Citizens, and Burgeſſes of the Commons Houſe of Parlia- ment, ſent up to the Lords a Meſſage, praying a Conference with their Lordſhips about *Impoſitions*: They hoped that, neither out of the Words nor Matter of the Meſſage, it had been poſſible to have framed any ſiniſter or unworthy Conſtruction. That notwithstanding, by public and conſtant Fame, they had heard to their Heart’s Grief,

Which the Com-
mons reſent.

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that

Ans. 12 James I.
1614.

A Complaint
against the Bishop
of Lincoln on
that Account;

that one in this Place and within these Walls, namely, the Lord Bishop of *Lincoln*, in order to dissuade the Lords from a Conference so desired, as aforesaid, did use Words to the Effect following, or the same Words, *viz. That the Matter, whereof Conference was by that House desired, is a Noli me tangere; in Conferring, also, that the taking the Oaths of Allegiance and Supremacy is an Impediment; so, as whoſo had taken the ſaid Oaths might not enter, ſafely, into Conference of the ſaid Matter.* Affirming farther, *That it did ſtrike, not at a Branch, but at the Root of the Prerogative of the Imperial Crown; and that he doubted leaſt in ſuch a Conference, as was deſired, there would, from ſome of the Committees of that Houſe, proceed ſome undutiſul and ſeditious Speeches, unfit for their Lordſhips to hear; tending to a dangerous Rent and Diſtraction of both Houſes, and to make an Alienation between the King and his Subjects.* That of ſuch Scandal their Houſe is ſo ſenſible, that they have ſent theſe Meſſengers to ſignify their Grief, and that they held the Lords ſo honourable, that they cannot but alſo take Notice thereof. Wherefore, that Houſe did deſire that their Lordſhips will join with them in ſome Courſe to give them Satisfaction for ſo great a Wrong done to the Commons; which they have taken ſo to Heart, that they have determined to forbear all Parliament Matter, until they may receive Answer from the Lords; wherein they doubt not but their Lordſhips will deal nobly with them, and they deſire it may be ſpeedily.

Sir *Edward Hobby* being asked by the Lord Chancellor, Whether he had in Writing the Meſſage ſo delivered, as aforesaid? answered, He had not.

The Lords then returned Answer, ‘ That they had taken Notice of the Meſſage, and will take the ſame into further Conſideration, as the Weight thereof requireth: Wherein they will have Reſpect both to their Honours and the Honour of the other Houſe; and will ſend them further Answer.

After

After this, a short Memorandum is entered on the *Journals*, intimating, That before the Answer, above specified, was agreed on, the Serjeant of the Lower House came to the Gentleman-Usher of the Lords, to learn, Whether their Lordships would send Answer to the Message on that Day, or not? To which the Gentleman-Usher, with the Privy of the Lords, answered, as from himself, That he knew not; which shews the extreme Jealousy then between the two Houses.

The Name of this Bishop of *Lincoln*, complained against by the Commons, was *Richard Neile*; who, was afterwards translated to *Durham*, thence to *Winchester*, and lastly, made Archbishop of *York*. This Man had been first Bishop of *Rochester*, then Bishop of *Litchfield* and *Coventry*, before he came to *Lincoln*; so that all these different Translations shewed him Courtier enough to merit them. He continued a Favourite, with this King and his Successor, to his Death, which happened at *York*, in the Year 1640; a lucky Time for a Prelate of his Principles to leave this Kingdom (i).

May 30th, the Lord Chancellor moved the House to consider and resolve of an Answer to be sent to the Message or Complaint, which they lately received from the other House, touching the Bishop of *Lincoln*. And, by Order, the Archbishop of *Canterbury* produced a Copy of one, ready drawn, for that Purpose, which being read, was to this Effect:

‘ That the Lords, having received from the Commons a Complaint against the Bishop of *Lincoln*, have seriously entered into Consideration of it, and do now return this Answer, That their

T 2

Lordships

(i) In the Life of Dr. *Andrews*, Bishop of *Winchester*, we are told, ‘ That he and Bishop *Neile* being at Dinner with the King, his Majesty asked him, If he had not a Right to take his Subjects Money without Consent of Parliament? *Andrews* answered, His Studies had been confined to Points of Divinity. But *Neile*, being asked the same Question, said, God forbid but you should, you are the Breath of our Nostrils. Upon this the King repeated the Question to *Andrews*: To which he made this ingenious Reply, Your Majesty has an undoubted Right to my Brother *Neile*’s Money.’

An. 12 James I. 1614 Lordships would take very tenderly that any unworthy Asperſion ſhould be laid on that Body, which they ſo much reſpect; and with whom they deſire to hold all good Correſpondence and Agreement.'

'But, forasmuch as the Complaint ſeemeth to be grounded, not upon direct or certain Proof, but only upon common public Fame; their Lordships do not think that common Fame, only, is a ſufficient Ground, whereon they may proceed as in this Cauſe is required.'

'Nevertheless, their Lordships are ſo reſpective of any thing that may concern that Houſe, that when they ſhall be more certainly inform'd, in direct and expreſs Terms, what the Words were wherein the Lord Biſhop of *Lincoln* is to be charged, and how the ſame are to be proved, they will proceed therein, ſo effectually, according to Honour and Juſtice, as it ſhall thereby well appear how careful they are to give to that Houſe all good Satisfaction in this Buſineſs that may be, and to omit nothing that can be juſtly or lawfully done in that Behalf.'

This Answer was approved on by the whole Houſe, and ſent in Writing to the Commons, by Meſſengers of their own; with this Inſtruction, That if they, of the Lower Houſe, ſhould require to have the Paper, then the Meſſengers were authorized to deliver the ſame, which they did accordingly.

The next Day came another Meſſage from the Commons, brought by Sir *Roger Owen* and others; who, having firſt repeated the Subſtance of their Lordships Answer of Yeſterday, acquainted this Houſe:

'That tho' the Commons did not take common and public Fame to be a ſufficient Ground or Proof, by a legal and ordinary Courſe of Juſtice, in proceeding againſt any Man; yet they held it enough to induce the Lords of that Houſe to take the Matter into Conſideration. And, albeit they did not ſet down the Words, in particular; yet, was

was the Matter, as they conceive, sufficiently laid down, when in Effect they said, ' That the Lord Bishop of *Lincoln*, in this House, to dissuade the Lords from a Conference with them touching *Impositions*, termed the Prerogative, &c. a *Noli me tangere*; insinuating that the taking of the Oath of Supremacy and Allegiance did restrain a Man from treating of that Business: Also, he doubted but in the Conference would be used, or spoken, some undutiful and seditious Words, not fit for their Lordships to hear, or Words to the like or worse Effect. That now the Commons do desire the Lords, if these Words were not spoken, so to signify it to the House; otherwise, if they were used, then they hope their Lordships will do as they have promised. Lastly, from the Commons, he said, further, That they knew not what other Course they could have taken to bring this Matter to Examination, or otherwise have any undutiful Speech, which may be moved in either House, called in Question.'

After Sir *Roger Owen* had delivered his Message, the Lord Chancellor asked him, If he had it in Writing? To which he answered in the Negative, The Lord Chancellor then acquainted him, That the House would take his Message into Consideration, and send Answer, if they could, before they rise; otherwise, will let them know as much.

Accordingly, the same Day, the Lords sent to acquaint the other House, ' That they had considered of their last Message, and, in debating thereupon, the Lord Bishop of *Lincoln* had humbly intreated that he might be heard to explain himself; which being granted unto him, he had made a solemn Protestation, on his Salvation, that he did not speak any thing with any evil Intention to the House of Commons, which he doth with all hearty Duty and Respect highly esteem. Expressing, with many Tears, his Sorrow that his Words were so misconceived and strained further than he ever intended them; and that his Speech should occasion so much Trouble to their Lordships or

An. 12 James I.
1614.

Which occasions
a Misunderstand-
ing between the
two Houses.

that the Lower House should take Offence at it. Which submissive and ingenuous Behaviour of his, had given this Satisfaction to their Lordships, That, howsoever the Words might sound, his Intention was not as it hath been taken. And their Lordships do assure the Commons, That if they had conceived the said Bishop's Words, to have been spoken or meant to have cast any Aspersions of Sedition, or Undutifulness unto their House, (as it seems Report has carried it to them) their Lordships would forthwith have proceeded to the censuring and punishing thereof with all Severity. Nevertheless, tho' their Lordships have thought fit to signify their Carefulness at this Time to give them Contentment, for the better expediting his Majesty's great Business, and to retain all good Correspondence with them; yet their Lordships are of Opinion, That hereafter, no Member of their House ought to be called in Question, when there is no other Ground for it, but public and common Fame.'

The Messengers then proceeded to tell the Commons another Part of their Message, which was, That the Lords did desire a Conference with them by Committees of either House, about a Bill for punishing Abuses committed on the Sabbath-Day, called *Sunday*; which was accepted on. This Bill had been depending some Time in the House of Lords; but, as it was prevented from being made a Law by the sudden Dissolution of this Parliament, we can give no farther Account of it. And, at the Conference, the Committee of the Commons, declaring, That they had no Authority, or Warrant, to treat, or confer, but only, to hear what should be said by the others, and report the same to their House; the Lords broke up the Conference, and delivered back the Bill to their own House.

Before we go on with the further Proceedings of this Session amongst the Lords, it will be necessary to look back into the *Journals* of the Commons, for an Enlargement and Confirmation of the

the foregoing Particulars ; as well as a Recital of some Matters not mentioned in the other Authorities. An. 12 James I.
1614.

Three Days after the Meeting, *April 8th*, when the Commons were adjusting their Privileges, and rectifying Elections ; a remarkable Case started in this last Affair, proposed by one, ‘ Whether the Attorney-General might be elected, in respect there was no Precedent that such an Officer of the Crown could be chosen a Member of that House ? *Sir Henry Hobart’s* Case being different, he being a Member of this House when he was made Attorney-General.’ In the Debates on this Question, *Sir Roger Owen* argued, ‘ That no Attorney was ever chosen ; nor, anciently any Privy-Counsellor ; nor any that took Livery of the King. He quoted some Precedents for this ; as the 7th of *Richard II.* a Knight Banneret was put out of the House ; and by printed Authority, he instanced *Sir Thomas Moore’s* Treatise after he had been Chancellor and Speaker. That the Eye of a Courtier can endure no Colours but one ; the King’s Livery hindering their Sight. Compared them to a Cloud gilded by the Rays of the Sun ; and to Brass Coin which the King’s Stamp makes current.’ *Sir John Savile* moved, ‘ That those Privy-Counsellors who had got Seats might stay for that Time ; but to put the Question, Whether Mr. Attorney should serve in that House ? Much more Debate ensued on this, till at last, it was agreed to be referred to a Committee to search Precedents, &c. Upon the whole, it was resolved on the Question, That he shall for this Parliament, remain in the House ; but never any Attorney-General to serve for the future.

Case of the
King’s Attorney-
General.

April the 12th, a Supply was moved for by *Mr. Secretary Herbert* ; who said, ‘ That if he was but a private Person, and not bound by Duty, his Motion would not be entertained with so much Jealousy. But, as a Secretary of State he urged it not for the private Use of the King, but the public Good of the Common-Wealth. That the

Debate on the
Motion for a
Supply.

Ap. 12 James I. 1614. State cannot act without Redress of those Miseries we are under. He took them to be ill Members, who, to enrich the King's Coffers, ransack and ransom the King's Subjects. The Strength of the King is in the Wealth and Love of his Subjects. And to relieve the Necessities of the State, the King hath taken *rectam et regiam Viam*, by calling a Parliament. *Nemo tenetur suam Turpitudinem revelare*; the King's Debts should be made known by those who are best acquainted with them. His Navy, the Walls of our Country, never in better Equipage; yet, in such Necessity, as must have been long since dissolved, if special Care had not been taken to prevent it. That the cautionary Towns, for Want of Pay, were like to mutiny. *Ireland* was not so much a Thorn in our Foot, but a Thorn in our Side. If a Revolt should happen there, what Shame and Disgrace would be to leave it, or what Trouble and Danger to recover it? The last disorderly Parliament there hath awakened *Tyrone*; who is now treating with the *Pope* to come next Summer, and that all the ill-affected there wait the Issue of this Parliament.—His Majesty's Charge in *Germany*, for settling the right Inheritors there. The State of *France*. The Custom of *Spain* to fish in troubled Water. If, by the double Marriage, the King take Part, he must needs become a Party, though with the Charge of a Royal Army. The Superfluities of one Year, of every Man at his Table, Apparel, &c. will discharge the King's Debts and protect us and all our Privileges. That we now are exposed, by our Poverty, in all other Parts to Contempt and Scorn. That his Majesty's Grace, as it is offered to us, may be termed another *Magna Charta*. The Marriage of his Daughter was another Cause of this Debt. That the *Pope* never had so great a Blow as by that Match; which occasioned the King to banish so dear a Daughter from so indulgent a Father. He concluded, That a chearful and speedy Contribution would be grateful, but with all the Conveniency possible; which would

would be great Joy to all, when heard abroad, that all Differences between the King and his Subjects were ended. An. 12 Jan. 1,
1614.

Mr. Chancellor of the Exchequer spoke next, and said, ' That not only his Duty to the King, but Care of his Country, for which he would lay down his Life, moved him to inform the House of what he knew they would be glad to hear. That there was no Safety to any Counsel in this House, whilst the other Motion for a Supply to the King was deferred. That 1500 poor Mariners were ready to salute them every Morning; others, for Want of Money, ready to pull off his Gown. That these were not private Expences, or Household Affairs, but for Navy and Forts. *Dover* Castle like to fall down; two or three in the *Isle of Wight* were in the same Condition. *Ireland* was like to be hazarded for Want of Money. The Garrisons in *Flushing* and *Brill* ready to mutiny for the same Cause; which are Pledges for near 700,000*l.* If abruptly these Things be spoken, he was in Fear and Trembling for the Consequence. And if now the Supply was undertaken, it would be many Months before Money came in.'

' He offered to disclose the Particulars of the Debts to any Member, privately; and the Assurance for the well-disposing of what was granted. But that it was not agreeable to the King's Pleasure to disclose his Debts to every one, no more than to direct them what they should give. He therefore moved for a Sub-Committee to be appointed for this Business.'

The Attorney-General began next with telling the House, ' That since they had been pleased to retain him there, he owed them the best Offices he could; and, if they had dismissed him, his best Wishes would have been still with them.— That all pertinent Speeches tended to one of these three Ends; either Information of the Matter to persuade Consent, or to trace out the best Means to effect the Thing proposed. Little remained to him in any of these three Kinds; since the first
had

Ad. 12 James I. had been already delivered by them to whom, properly, it belonged. But they were to consider what hangs over us all, viz. Danger; what upon us, Want.

1614.

‘That, in Times of Peace, it was proper to provide for Defence, by a Supply of Treasure, as well as in Time of War; which sometimes happens for a Flag of Glory, or a Flash of Revenge, and may be pursued or left at Pleasure. But when a State is environed with envious Foreigners on the one Side, and Encroachments on Trade on the other, and Religion so much questioned, Peace may flatter us, but not secure us.—That the States of *Europe* were never so dark; and, but to look a Year before him, would trouble the best Watchman in *Europe*. There ought to be Provision of Arms for travelling in the Night as well as going to War. And what Treaty can we make with Strangers for Wrongs, but basely on our Parts and gloriously on theirs, whilst we are in Want. That no private Man is more subject to Sheriff’s Officers, than a State in Want to Surprizes; and that Treasure was like Ballast to a Ship, the Word, *Steady*.’

‘That Persuasion, in this Matter, was needless and unwise; a wise Man should make a Fire, but can let it alone, when it burneth well. The Fire of their Affections was kindled by the King’s Speech; his Graces did shine and warm them, without the Help of a Burning-Glass. The King had made such a Tract, in almost every Point of his Prerogative, that the Footsteps of King *James* would ever remain. The King’s Prerogative was not like a Bow or Watch-String, but groweth stronger by Continuance; and that when his Means shall abound, in Grace he will superabound, *Dukis Tractus pari Jugo*. The King’s Business and Common-Wealth’s to go together. Lastly, He moved for no particular Committee or Subcommittee, but a Committee of the whole House.’

These were the Sum of the Arguments the Courtiers made use of to enforce the Supply; but many

many more *pro* and *con*, were the Subject of a whole Day's Debate. The Result of which last was, chiefly; to urge that it was not now a Time. That divers Members were not yet come. The House to be called first. To receive the Communion first; as appointed, according to the Primitive Church; and then to make an Offering, &c. In short, the Business was deferred till after *Easter*.

Ap. 12 James II.
1684.

Which being day
lay'd by the
Commons;

April the 18th, a Bill concerning Taxes and Impositions on Merchants Goods by the Crown, was read a second Time; and, after a long Debate, was committed to the whole House for the next Day Fortnight; the House being adjourned for that Time, on account of *Easter* Holidays. *May* 5th the Debate was again resumed, and it was resolved, upon the Question, to have a Conference with the Lords concerning *Impositions*. The rest of this Affair is already recited from the Lord's *Journals*.

The Complaint against the Bishop of *Lincoln* was made in the House of Commons, *May* 25th, on which a long Debate arose; and several severe Speeches were thrown out against the whole Order. One said, There had been continual Interruptions all this Parliament. This Bone, amongst the rest, thrown in by a Devil, if a Bishop may be a Devil. That a Speech an honourable Person made in this House hath rubbed them; and they now winch; sorry such as he had the King's Ear so much, &c. and moved to proceed to no other Business till this was righted. The next Day, and Day after, were entirely taken up with Disputes, how to act in this Affair; nor, could a Letter from his Majesty quiet them, but a Message was resolved to be sent to the Lords to require Satisfaction; which was done accordingly as is before related, with the rest of the Proceedings, in the *Journals* of the Upper House of Parliament.

June the 5th, the Commons still persisting in their former Resolution, the Speaker delivered a Message to them, which he had received from the King,

AN. 12 James I.
1614.

King, *That unless they forthwith proceed to treat of his Supply, he would dissolve the Parliament.* This Message somewhat alarmed the House; and Sir George Moore got up and spake to this Effect;

The King threatens to dissolve the Parliament.

‘ That this Message from the King gave him much Uneasiness, because of the State of the Commonwealth. His Majesty’s Wants and the People’s Grievances; in both which the Commonwealth is interested; and is the Ship wherein they all sailed, and must live or die. That if they neglected what was now to be done, the Commonwealth would receive the Prejudice. And moved, without farther Delay, to appoint a Committee, to consider of what was fittest to be done concerning all these great Matters.’

This Speech was seconded by other Members who moved to oblige the King, lest he should lay a heavy Hand upon them; that this was a Dissolution, not of this, but of all Parliaments. That great Care was to be had of a good Conclusion, without any Extremity on either Part. Moved to present his Majesty with some Proportion of Supply presently. And to have a special Care to avoid the King’s Penury, or his Disgrace, &c.

‘ At length it was agreed upon the Question, ‘ That a Committee of the whole House should prepare an Answer to the King’s Message; to meet that Afternoon; all other Committees, except one on the Bishop’s Business, set apart, till this Affair was done.’ But, though the House met the next Day, *June* the 6th, there is nothing of this Business in their *Journals*; and we must have recourse to those of the Lords, for an End of this unfortunate Dispute between the three Estates of the Kingdom.

Things standing in this perverse Situation, as before related, and the Commons persisting in their Resolution that they would proceed to no Business till they had more Satisfaction given them from the Lords, about the Bishop of *Lincoln*. On the 6th Day of *June*, the House of Lords being met,
after

after a general and long Silence in the House, the Lord Chancellor, in a very grave and worthy Speech, as the *Journals* express it, ' Gave the Lords great Thanks for having so nobly born with the many Motions he had, so unreasonably, made unto them. And beg'd Leave now to move to them a Business, which, as he said, himself scarce understood. He then put their Lordships in Mind that the King, for weighty and important Reasons did call a Parliament, to begin the 5th Day of *April* last, and that now it was his Majesty's Pleasure to dissolve the same; and for that Purpose a Commission is now put forth under the Great Seal, which is this Day to be executed.' But first he moved that the following Message should be sent to the Commons, which was generally agreed to.

An. 12 James 1
1614.

' That the Lords have understood a Commission under the Great Seal of *England* is set forth for dissolving this Parliament, as this Day, which was begun on the 5th of *April* last. And, forasmuch as they thought to have heard something from that House this Morning, they have hitherto stay'd the publishing the said Commission. Their Lordships now expect to know whether they shall hear any thing from them or no; otherwise, the Lords Commissioners must this Day dissolve the Parliament.'

The Commons took a little Time to consider of this Message, and afterwards, returned this Answer; ' That, by it, they were informed of a Commission issued forth to certain Lords, for dissolving the Parliament as this Day. And, that their Lordships have hitherto made Stay of publishing it, expecting to hear something from them, &c. *ut supra*. In Answer to which, they give their Lordships to understand, That this Morning they received a Letter, directed to their Speaker, from his Majesty, whereby it was signified, *That whereas his Majesty, by former Letters, had declared his Determination to dissolve the Parliament, on Thursday next, except, in the mean Time, their House*

Which the Commons not regarding;

should

AN. 12. James I. *should proceed in his important Business, for which the same was, especially, called: Yet now it was his Majesty's Pleasure to dissolve the Parliament To-morrow, being the 7th of this Month, unless they shall before that Time perform what, by the said former Letters, was required. Lastly, that they have entered into Consideration of this great Matter.*

1614.

The Lords Commissioners, named in the Commission, by Order of the House, withdrew themselves to advise what in this Case was fit by them to be done; and being returned into the House, by general Consent of all the Lords then present, Answer was sent to the Lower House, That their Lordships having considered of the Answer, which that House sent to them, have resolved to adjourn this Court until Two o'Clock To-morrow in the Afternoon, which will be the 7th Instant; which was done accordingly.

The Parliament
is accordingly
dissolved.

On that Day were present in the House of Lords, besides the Lord Chancellor and the two Archbishops, 16 other Bishops, 17 Earls, one Viscount, and 33 Barons. Who, being all assembled in their Parliament Robes, after Prayers were ended, the Commissioners, taking Notice of his Majesty's Commission for dissolving the Parliament, left their proper Seats, and went up to sit on a Bench or Form, prepared for them and placed cross the House, between the Chair of State and the Wool-Sack, whereon the Lord Chancellor usually sitteth. After some small Intermission, the Gentleman-Usher was commanded to signify unto the Speaker of the Lower House, That the Lords were ready; in their Robes, and did expect the coming up of him and the Commons, to whom his Majesty's Pleasure is further to be declared; according to the Commission directed to several Lords for that Purpose.

The Speaker and the Commons being come up to the Bar of the House of Lords, the Lord Chancellor declared, ' That it had pleased his Majesty to ordain this Parliament to be begun and holden on the 5th Day of April last; and now, for divers

good

good and weighty Considerations, known to his An. 12 James I.
Majesty, he had thought proper to dissolve and 1614.
finally determine the same; and, that for the same
Purpose, his Majesty had been pleased to grant a
Commission to certain Lords.' Then the Clerk of
Parliament, going up, received the Commission from
the Chancellor on his Knees; and afterwards, from
his own Place, read the same to both the Houses.
The Commission itself, being somewhat particular,
deserves a Place in these Enquiries.

JAMES R.

JACOBUS, *Dei Gratia, Angliæ, Scotiæ, &c.* A remarkable
Reverendissimo in Christo Patri, ac fidei Con- Commission for
liario nostro (k), Georgio, Archiepiscopo Cantua- that Purpose.
rienfi, totius Angliæ Primati et Metropolitano;
Thomæ Domino Ellesmere, Cancellario nostro Ang-
liæ; ac etiam Reverendissimo in Christo Patri,
Tobiæ, Archiepiscopo Eboraci, Angliæ Primati et Me-
tropolitano (l), &c. Salutem. Cum nuper pro quibusdam
arduis et urgentibus Negotiis, Nos Statum et Defen-
sionem Regni nostri Angliæ et Ecclesiæ Anglicanæ
concernentibus, Parliamentum nostrum apud Civita-
tem nostram Westmonasterii, quinto Die Aprilis
ultimo præterito, inchoari et teneri ordinavimus;
quod quidem Parliamentum tantummodo inchoatum
fuit, Sed pro eo quod nullus regalis Assensus, aut Re-
sponsio, per Nos, præstita fuit, nullum Parliamen-
tum, nec aliqua Sessio Parliamenti, habuit aut tenuit
existentem: Sciatis, quod certis urgentibus Causis
et Considerationibus Nos specialiter moventibus, hoc
instante septimo Die Junii, dictum Parliamentum,
inchoatum ut supra dictum est, duximus dissolvendum.
De Fidelitate igitur, Prudentia et Circumspectione
vestris plurimum confidentes, assignavimus Vos Com-
missionarios nostros, dantes vobis vel aliquibus tribus
vel pluribus vestrum, Tenore Præsentium, plenam Po-
testatem, Facultatem, et Authoritatem, hoc instante
septimo Die Junii, ad prædictum Parliamentum, in-
choatum

(k) George Abbot, translated from London, An. 1610.

(l) Tobias Matthew made Archbishop of York, from Durham, An.
1606. Le Neve's Fasti Eccles. Ang.

An. 12 James I. choatum ut supra dictum est, Nomine nostro dissolven-
 dum; et ideo Vobis mandamus, quod Vos, vel aliqui
 tres aut plures vestrum, prædictum Parliamentum, sic
 ut præfertur inchoatum, hoc instante septimo Die Junii,
 Virtute harum Literarum nostrarum Patentium, No-
 mine nostro, plene dissolvatis et determinatis, &c. Teste
 meipso apud Westmonasterium, septimo Die Junii;
 Anno Regni nostri Angliæ, Franciæ, et Hiberniæ
 12, et Scotiæ 47.

COPPIN

*Domini Commissionarii, hodie præsentis, Virtute
 Commissionis prædictæ, prædictum Parliamentum, in-
 choatum ut supradictum est, dissolverant; Nomine
 Regis, Domino Cancellario ita declarante.*

By the sudden Dissolution of this Parliament, all the Bills which had been brought in or passed in either House, were frustrated and entirely disannulled. At the End of the Lords *Journal* for this Parliament, is a Note, or Catalogue, of such Bills as were delivered into that House, with their Titles, by which it appears that about threescore of them were before the Lords; and though several were rejected, that there were enough left to employ their Thoughts and Time for that Session. Amongst the rest, we find that a Bill for granting a *Subsidy*, by the Temporality, is mentioned; but no Particulars of it; so this must fall to the Ground as well as the other. Since there is no farther Account, in the *Journals*, of the Reasons which induced the King to take this Resolution, than what we have already given; we must be content to give the Sentiments of our Historians about it. And first, Mr. *Wilson* (m), after acquainting us with several Projects, invented by the King and his Ministry for raising a sufficient Fund of Money without the Help of Parliament, and they failing, tells us, that one was resolved on, though who dare venture, adds he, on such refractory Spirits: * Yet there was a Generation about the Court, that, to please and humour Greatness, undertook

a Par-

(m) *Wilson* in *Kennet*, p. 696.

a Parliament; as Men presuming to have Friends in every County and Borough; who, by their Power amongst the People, would make Election of such Members, for Knights and Burgeſſes, as ſhould comply, wholly, with the King's Deſires. *Somerſet* was the Head and Chief of theſe Undertakings; but this was but an Embryo and proved an Abortion. The *Engliſh* Freedom cannot be loſt by a few baſe and tame Spirits, who would unmake themſelves and their Poſterity to aggrandize one Man. For, the Parliament meeting, according to Summons, ſuch Faces appeared there as made the Court droop; who, inſtead of contributing to the King's Wants, laid open his Waſtes; eſpecially upon the *Scots*, with whom they deſire *Meditatem Linguae*, a Share of Favour. And they beſeech his Maſteſty to ſtop the Current of future Acceſs of that Nation, to make Reſidence here, having enough to eat up their own Crums. They enquire into the Cauſes of the unexpected Increate of Popiſh Recuſants, ſince the Gunpowder Plot, the Detestation whereof they thought ſhould have entirely extinguiſhed them, and they find it owing to the Admiſſion of Popiſh Nobility into his Councils; the Silencing of many watchful and diligent Miniſters; the divers Treaties his Maſteſty hath entertained, not only for the Marriage of the deceaſed Prince *Henry*, but for Prince *Charles* that now liveth, with the Daughters of Popiſh Princes; which diſheartneth the Proteſtant and encourageth the Recuſant. Laying open, with theſe, many other Miſcarriages in Government; which the King, willing to have concealed, ſtopped them in their Courſe; diſſolving the Parliament, and committing to the *Tower* and other Priſons, (the Beginning of Encroachments upon the public Liberties) ſuch as were moſt active for the Common Good.

Thus far our Biographer; and how his Representation agrees with the undoubted Authorities of the *Journals*, is left to the Reader's Judgment. The Commitments he ſpeaks of are not mention'd

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there,

An. 12 James I.
1614.

there, nor in *Camden's Annals* of this Reign; nor in any other Historian, but who has borrowed from the single Authority of this partial Writer. The Reader may remember several Commitments of this Kind done in the last Reign, for Words spoke within the House of Commons, by the Members of it; but, as yet, this present King stands clear from any such Encroachments on the public Liberty. But, to go on still with our Historian.

Wilson informs us, 'That an Aid from Parliament being denied, the Ministry went upon other Projects to raise Money; different both in Name and Nature from the former. A *Benevolence* was extorted; a *Free Gift*, adds he, was urged upon them, against their Wills; and they who did not give in their Money must give in their Names, which carried a kind of Fright with it. But, the most knowing Men, (like so many Pillars of the Kingdom's Liberties) supported their Neighbour's tottering Resolutions, by assuring them, That these Kinds of *Benevolences* were against Law, Reason, and Religion. To prove this, our Author goes on and tells us:

'That it was against Law, being prohibited by divers Acts of Parliament, and a Curse prohibited against the Infringers of them.

'Against Reason, because it was unreasonable a particular Man should oppose his Judgment and Discretion to the Wisdom and Judgment of the Kingdom assembled in Parliament, who have there denied any such Aid.

'And, contrary to Religion, That a King should violate his Oath, taken at his Coronation, for maintaining the Laws, Liberties, and Customs of this Realm, and be assisted by his Subjects in an Act of so much Injustice and Impiety. These, continues he, and many other Arguments, instilled into the People, by some good Patriots, were great Impediments to the *Benevolence*; so that they got but little Money, and lost a great Deal of Love. *Subsidies* get, adds he, more of their Money, but

but Exactions inflave the Mind; no Levies do so much decline and abate the Love and Spirits of the Subjects as unjust Levies; they either raise them above, or depress them beneath their Sufferings; which are, equally, mischievous and to be avoided.

It must be allow'd here, our Historian is right in his Politics; *Benevolences*, though often practised by preceding Kings, as this Work testifies, yet ever met with Grudgings and Heart-burnings in the People. Whilst, the heaviest Taxes, laid on by Parliament, carry their Sanction along with them from their Source.

But we have no Account of the Collecting this *Benevolence* in any other Historian, except those who have copied from this Original. Mr. *Camden*, in his *Annals* of this Reign, tells us, indeed, that a vast Sum of Money was exacted from the Citizens of *London*, in the Year 1617, not without Murmuring; as he says; but has not a Word of this other Affair; which, one would think, so exact an *Annalist* could not have missed if it had happened, and been as general through the Kingdom, as the Biographer seems to make it (n).

The King and his Ministry went on for some Years, and supported the Court and State without the Assistance of Parliament. What other Ways and Means they had to do it, than by the ordinary annual Revenues of the Crown, Customs, &c. will appear in the Sequel; for, though small in themselves, yet they were treated as Grievances in the next Parliament, and looked upon as Impositions on the Public. The Writer of this King's Life owns these to be *Atlicyon Days*, in *England*; no Taxes being now paid, and Trade open to all Parts of the World, a profound Peace reigning every where.

The Nation must have been exceeding rich, whatever the Court was, at that Time. In this Interval, *Robert Carr*, Earl of *Somerset*, fell into a Snare, probably laid for him by some Enemies,

U 2

which

(n) The King got only 52,909. *Camden's Annals*.

An. 14 James 1. 1616. which the Favorites of Princes can never be without. The Crime was so nefarious, that he and his Lady were made too black by it ever to hope for a Clearing; and, though their Lives were spared, they were sentenced to live in perpetual Infamy and Disgrace.

The Fall of Carr
Earl of Somerset.

The Story of this Man's Fall is too well known to claim a Repetition here: He was soon succeeded by another Favourite, *George Villars*, an *Englishman*; who, through many Degrees of Honour, came, at last, to be created Duke of *Buckingham*; and will be the Subject of much Debate, in our further Parliamentary Enquiries.

The Cautionary
Towns given up
to the Dutch.

About the latter End of the Year 1616, the Cautionary Towns were given up to the States, by this King: A Blot in his Reign, never to be wiped out, but yet this Failure, in Politics, may be, partly, imputed to the unhappy Differences between him and his last Parliament; for if a proper Supply had then been given, to relieve the Wants of the State, the King had not been drove to make such a false Step. The Reader may remember, that, at the Beginning of the last Session, when the Supply was moved for by one of the Ministry, it was urged, 'That the Garrisons of *Flushing* and *Brill*, were near going to mutiny, for want of Pay; and that these Towns were Pledges for near 700,000*l.*' It is no Wonder then, since nothing was given to sustain these Garrisons, if King *James* was tempted to take the Money and cancel the Mortgage. Those poor and humble States, as they called themselves in the last Reign, were now grown up into *High Mightinesses*; and, being supported by *England*, in regard to the general *Protestant* Cause, came, at last, to be a sharp Thorn in the Breasts of their very Protectors. That this was the Case, and that these Towns were given by general Consent is most probable; because, in such an inquisitive Age as this, when the Conduct or Miscarriages of the Ministry were never more strictly searched into, no Parliamentary Enquiry was ever made about them.

The

The two grand Points, which took up all the Attention of the King and his Ministry at this Time, were the Affair of the *Spanish Match*, and the Loss of the *Palatinate*. The former as much detested, as the Restitution of the latter was wish'd for by the People. After the Death of Prince *Henry*, the King had set his Thoughts on a Daughter of *France*, (proceeding from *Henry IV.* their late murdered King) for his, now, only Son Prince *Charles*. Some Overtures were made, by the *English Court*, to bring this Match about, but they did not succeed; the Duke of *Savoy* was beforehand with them, and got the Lady for his Son the Prince of *Piedmont*. But, during this Negotiation with *France*, the Duke of *Lerma*, Prime Minister of *Spain*, had frequently intimated to Sir *John Digby*, the *English Ambassador* at that Court, That it was his Master's Inclination to tie the Knot stronger between the two Crowns of *Great Britain* and *Spain*, by matching his second Daughter with the Prince of *Wales*. The Affair being notified to *James*, it pleased exceedingly; and though so wife a Prince, as he is represented to be, might have seen that this was no more than a *Spanish Trick* to prevent the *French Match*, yet did he and his Ministry enter into a long and tedious Treaty about it; King *James*, removing all the Blocks that lay in the Way of his now darling Design, only studied how to render himself and his Son acceptable to the *Spanish Court*.

An. 14. *James I.*
1616.

The *Spanish Match* and the Loss of the *Palatinate*.

An. 1617,
1618,
1619.

The Affair of the *Palatinate* was of a quite different Nature. A War had broke out in *Germany*, by which *Frederic*, Count *Palatine* of the *Rhine*, who had married the Princess *Elizabeth* of *England*, was dispossest of all his Hereditary Dominions. This Affair made *James* think of laying aside his pacific Temper, in order to revenge his Son in Law, and recover his Territories for him. An Army was sent abroad for that Purpose, but had not the wish'd for Success. However, these Forces were not to be rais'd without a much greater Sum than could be spared from the King's

An. 18 James I.
1620.

A new Parlia-
ment called.

A Proclamation
setting forth the
King's Reasons
for calling this
Parliament.

own Treasury; and finding the Peoples Inclinations to be strongly bent on the Recovery of the *Palatinate*, he ventured, says *Rushworth* (who now comes upon the Carpet) to send out Writs for a Parliament to meet on the 30th Day of *January*, somewhat ominous indeed, in the Year 1620, and the 18th of this Reign (a). But it appears by the *Journals*, that this Parliament was summoned to meet first on the 16th of *January*; from thence it was prorogued, by Proclamation, to the 23d, and then again to the 30th as aforesaid; divers great and weighty Considerations of State, particularly in respect of the late great Ambassage, as it is expressed in the Writ, occasioning these Prorogations. It is observable, that the first Writ of Summons, which is given at length in the *Journals*, in the usual Form, is directed to *Charles Prince of Wales, Duke of Cornwall and of York, and Earl of Chester, &c.* Which Prince, we find, gave his Attendance, in the House of Lords, almost every single Day of this ensuing Session.

Along with the Writs for calling a new Parliament, the following Proclamation was published, for the electing of proper Members to sit in the House of Commons; which we shall give in its own Words and Orthography (p).

By the KING.

HAVING Occasion at this Tyme to deliberate upon divers great and weighty Affaires, highly tending to the Continuance and further settling of the peaceable Government and Safety of this our Kingdom, whereof God hath given us the Charge; We have thought good, according to the laudable Custome of our Progenitors, to crave the Advice and Assistance herein of our well affected Subjects, by calling a Parliament to begin upon the sixteenth Day of *January* next; and though there were no more to be had in Consideration, but the present Face of Christendom,

so

(a) *Rushworth's Historical Collections*, Vol. I. p. 21. These Collections begin, only, in the Year 1618, or the 16th of this King.

(p) *Rymer's Public Acts*, Tom. XVII. p. 270.

so miserably and dangerously distracted at this Tyme, besides a Number of other great and weighbie Affaires that we are to resolve upon; we have more than sufficient Reason to wish and desire, if ever at any Time, especially at this, that the Knights and Burgeses that shall serve in Parliament, be, according to the old Institutions; chosen of the greavest, ablest, and best affected Myndes that maie be found. And therefore, out of the Care of the Common Good, whereof themselves are also participant, we do hereby admonish all our loving Subjects, that have Votes in Elections, that Choise be made of Persons approved for their Sincerity in Religion, and not of any that is noted either of superstitious Blindness one Way, or of turbulent Humours another Way, but of such as shall be found zealous and obedient Children to this their Mother-Church.

And, as to the Knightes of Shires, that they cast their Eyes upon the worthiest Men of all Sorts, of Knightes and Gentlemen that are Guides and Lightes of their Countries, of good Experience and of great Integrity. Men that lead honest and exemplarie Lief in their Countries, doing us good Service therein; and no Bankrupts or discontented Persons that cannot fish but in troubled Waters.

And, for the Burgeses, that they make Choice of them that best understand the State of their Countries, Citties, or Burroughes; and where such may not be had within their Corporations, then of other grave and discreet Men, fit to serve in so worthy an Assembly. For we may well foresee how ill Effects the bad Choice of unfitt Men may produce, if the House should be supplied with Bankruptes and necessitous Persons, that may desire long Parliaments for their private Protections; or with young and unexperienced Men, that are not ripe and mature for so grave a Council; or with Men of mean Qualities in themselves, who may only serve to applaud the Opinion of others on whom they depend; nor yett with curious and wrangling Lawyers, who may seek Reputation by stirring needless Questions; but we wish all our good Subjects to understand theis our Admonitions, as that

An. 18 James I.
1620.

we noe Way mean to bar them of their lawfull
Freedom in Election, according to the fundamentall
Laws and laudable Custome of this our Kingdome,
and especially in the Times of good and settled Govern-
ment.

Witness Ourself at Theobauld, this sixth Day
of November.

On the Meeting of the Parliament, January the
30th, the King being seated on his Throne, was
pleased to make the following Speech to both
Houses. The Substance of it, in *Latin*, is given in
the *Lords Journals*. *Wilson* and *Rushworth* have
inserted one at large; but, upon comparing their's
with the foregoing Speeches of this King, so great
a Difference appears both in *Stile* and *Manner*, as
renders them justly suspected. The following is
the genuine Speech, taken from *Franklyn's Annals*,
who tells us, (q) ' That he had it from Mr. *Mun-*
day, an Ear-Witness thereof; and, upon Exami-
nation, we find it corresponds exactly with the
Latin Abstract in the *Journals*.

*My Lords Spiritual and Temporal, and you the
Commons,*

His Majesty's
Speech at open-
ing the Session,
Anno Regni 18,
1620,
At Westminster.

' *IN multiloquio non deest peccatum*, said the wisest
' King that ever was; and this Experience I
' have found in my own Person; for it is true,
' that there have been Sessions of Parliament before
' this Time, wherein I have made many Dis-
' courses to the Gentlemen of the Lower House,
' and in them delivered a true Endeavour of my
' Heart: But as no Man's Occasions, be they
' never so good, can be free from Censure, in
' regard of the Excellency required to make Per-
' fection; so it may be, it pleased God, seeing
' some Vanity in me, to send back my Words as
' Wine spit into my own Face. So, as I may
' truly say, *I have often piped unto you, but you have*
' *not danced; I have often mourned, but you have*
' *not lamented*: But now I have put on this Reso-
' lution

(q) Introduction to *Franklyn's Annals*, Vol. I. p. 7.

‘ solution for the few Days that are left me in this
‘ World, wherein I know not how far I have
‘ offended God; and if it may please you, espe-
‘ cially of the Lower House, to apply this Rule
‘ unto yourselves. you may find the more Fruit.

‘ Now to the Errand of your being called hi-
‘ ther; for entering whereunto the more easily, I
‘ will begin with the general Condition of a Par-
‘ liament, not to instruct you, whom I suppose
‘ not to be ignorant, but to refresh your Memo-
‘ ries; and first, what a Parliament is. It is an
‘ Assembly compos’d of a Head and a Body: The
‘ Monarch is the Head, and the Body is the Three
‘ Estates; which are called in all Monarchies a
‘ Parliament, which was used and created at the
‘ first by Monarchy; for Kings were before Par-
‘ liaments; who, as soon as they had settled a
‘ Form of Government, and were willing that
‘ their People should be guided by Law, called a
‘ Parliament. I know there are divers Sorts of
‘ Foreign Parliaments, some more, some less in
‘ Number: But I leave them; only this I would
‘ have you to observe, That it a vain Thing
‘ for a Parliament-Man to press to be popular; for
‘ there is no State or Parliament without a Mo-
‘ narchy; so the *Grizons*, *Swisses*, and *Low-Coun-*
‘ *tries*, which are governed without a King, have
‘ no Parliaments, but Councils and Assemblies.
‘ This I put you in Mind of, that you serve under
‘ a Monarch, and that you must stand or fall
‘ with it.

‘ Now consider, First, Who calls you? Your
‘ King. Secondly, Whom he calls? the Peers,
‘ who in respect of the Eminency of their Places
‘ and high Honours, have an Interest therein by
‘ Birth and Inheritance, because they are to assist
‘ the King in his greatest Affairs. In the next
‘ Place is the Church, the Clergy; yet not all of
‘ them, but the principal Heads thereof, the
‘ Bishops, whose Holiness of Life doth claim a
‘ Privilege in Advice, and in respect of their Baro-
‘ nies: Also the Knights stand for the Shires, and
‘ the

An. 18 James I.
1620.

the other Gentlemen for the Boroughs; of these is the whole Body compos'd. Thirdly, Why you are called; viz. To advise the King in his urgent Affairs, to give him your best Advice in such Errands as he shall ask of you, or you shall think fit to ask his Advice in. The King makes Laws, and ye are to advise him to make such as may be best for the Good of the Common-Wealth: There is another Cause also, viz. The House of Commons is called, for that they best know the particular Estate of the Country; and if the King shall ask their Advice, can best tell what is amiss, as being most sensible of it, and also petition him to amend and redress. You are the Authors of Sustenance also to him, to supply his Necessities; and this is the proper Use of Parliaments. Here they are to offer what they think fit to supply his Wants; and he is in Lieu hereof to afford them Mercy and Justice; and this is that I boldly say, and am not asham'd to speak it, that all People owe a Kind of Tribute to their King, as a Thankfulness to him for his Love to them; and where there is this Sympathy between the King and his People, it breeds a happy Parliament.

Thus much of the general Condition and special Use of Parliaments in this Kingdom. Now I come to the particular Causes which moved me to call this Parliament.

First, as in all Parliaments, the King must have a special Care to make good Laws; for *ex malis Moribus bonæ Leges oriuntur*: For the elder the World grows, Men become the more wise, the more crafty, and the more sinful; and therefore the more Need to make new Laws for new Crimes. And here I am in a large Subject, yet, because of my intended Brevity, I will speak of no Particulars, but hold it best to leave it to the Times wherein you should both see and read them.

First, For Religion there are Laws enough, so as the true Intent and Execution follow; the

Main

Maintenance of Religion stands in two Points : Ab. 18 James I.
1620.

1. Persuasion, which must precede ; 2. Compulsion, which must follow ; for as all the World cannot create a new Creature, be it never so little, so no Law of Man can make a good Christian in Heart, without inward Grace ; but the Minister must persuade, and leave the Success to God ; and if there were not so many Priests and Jesuits, there would not be so many perverted to Ill ; yet it is not enough to trust to a good Cause, and let it go alone ; likewise the busy Puritans, do but see how busy they are in persuading the People. But God forbid that I should compel Mens Consciences, but leave them to the Law of the Kingdom ; for the Rumour that is spread, that I should tolerate Religion in respect of this Match, which hath been long intreated with *Spain* for my Son, I profess I will do nothing therein which shall not be honourable, and for the Good of Religion : The Trial which you have had of my Works and Writings, wherein I have been a Martyr, tortur'd in the Mouths of many idle Fellows, may give you ample Testimony of my Integrity, in such a Sort, as I hope you trust the Wisdom of your King, so far as that I will never do one Thing in Private, and another in Public : But if, after this my Declaration, any shall transgress, blame not me, if I see them severely punished.

Now the main Errand, to speak Truth, which I have call'd you for, is for a Supply of my urgent Necessities ; ye can all bear me Witness, I have reigned 18 Years among you ; If it be a Fault in me, that you have been at Peace all this while, I pray you pardon it ; for I take it for an Honour to me, that ye should live quietly under your Vines and Fig-Trees, eating the Fruit of your own Labours, and myself to be a just and merciful King to you ; ye have not been troubled with pressing of Men, and with a thousand Inconveniences which the Disasters of War produce ; and yet within these 18 Years I have

had

AN. 18 James I.
1620.

‘ had less Supplies than many Kings before. The
 ‘ last Queen (of famous Memory) was so far sup-
 ‘ plied in her Time, as it grew to an annual Con-
 ‘ tribution ; which by Computation came to
 ‘ 135,000 *l.* a Year at the least. I had never above
 ‘ four Subsidies, and six Fifteenths ; I challenge
 ‘ no more Desert than she ; but sure I am, I have
 ‘ governed you as peaceably the Time since my
 ‘ Supply hath been, as if Women with Child,
 ‘ *quæ decem tulerunt Fastidia Menses*, who after ten
 ‘ Months Longing are delivered of their Burden ;
 ‘ but I have travailed ten Years, and therefore
 ‘ now full Time to be delivered of my Wants. I
 ‘ was ever willing to spare you till now. It is true,
 ‘ Two Arguments were used in other Parliaments
 ‘ against Supplies : First, That many Subsidies
 ‘ had been given by them, and therefore they re-
 ‘ quired a Time of Respiration ; which Objection
 ‘ is now taken away : The other was, That my
 ‘ Treasure was confusedly governed by me ; so as
 ‘ some did not stick to say, that they would give
 ‘ me all they had, were they sure it would come
 ‘ into my Purse : Now you have seen Trial of
 ‘ my late Care in two Years last past, in looking
 ‘ into the Particulars of my Estate, wherein I must
 ‘ confess, that I have found my Revenue, as *Job’s*
 ‘ Friends, forsaking me. In my Household Ex-
 ‘ pence, I have abated 10,000 *l. per Annum* ; in the
 ‘ Navy, I abated 25,000 *l. per Annum* ; and shortly
 ‘ hope to abate 10,000 *l.* more in mine Ordnance ;
 ‘ I have brought mine Expences from 34,000 *l.*
 ‘ to 14,000 *l.* and yet was loth at first to think
 ‘ that Things were so much out of Order ; but at
 ‘ the last, by Means of the Information of some
 ‘ private honest Gentlemen, I was induced to
 ‘ enter into a particular Survey ; and herein such
 ‘ was the Love of my young Admiral to me, as he
 ‘ took the only Envy of all upon himself for my
 ‘ Sake ; and tho’ he be but young, yet I find him true
 ‘ in Faith, and an honest Man, who hath had the
 ‘ better Success in all the rest ; he took under him-
 ‘ self divers Commissioners, as a young Command-
 ‘ or

er should do, the better to preserve him from
Errors, and then sought no Reward, but my
good Service; yet went nevertheless through
all with a great Diligence and happy Success;
and therefore I hope the Kingdom shall say, I
have a true Care of my Estate, not taking from
others, by Violence, House or Land, but go-
verning my own with good Husbandry: And
now I look your Supply will not fall into a bot-
tomless Purse.

The next Cause of your calling is for an urgent
Necessity, the miserable and torn Estate of *Chri-
stendom*; which none that hath an honest Heart,
can look on without a weeping Eye. I was not
the Cause of the Beginning thereof, (God knows)
but I pray God I may be a happy Instrument of
a happy Ending the Wars in *Bohemia*; I mean,
wherein the States expell'd the Emperor, and
chose my Son-in-Law their King: I was re-
quested at first by both Sides to make an Agree-
ment between them; which cost me 3000*l.* in
sending *Donauster* on an Embassy for that Pur-
pose. In the mean Time they cast off all Alle-
giance, and chose my Son, who sent to me to
know whether he should take the Crown upon
him or not; and yet within three Days after,
before I could return my Answer, took the
Crown on his Head; and then I was loth to
meddle in it at all, for three Reasons.

First, I would not make Religion the Cause of
deposing Kings. I leave that Cause to the Je-
suits, to make Religion a Cause to take away
Crowns.

Next, I was not a fit Judge between them;
for they might after say to me, as he said to
Moses, *Who made thee a Judge over us?* And
myself would not be content that they should
judge whether I were a King or not.

Lastly, Because I had been a Meddler between
them, and then to determine my Son might
take the Crown upon him, had been improper;
and yet I left not off, so far as Nature compell'd
me

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me, to admit his Good. I permitted a voluntary Contribution, to preserve the *Palatinate*, which came to a great Sum; for that Purpose I borrowed also 75,000 £ of my Brother of *Denmark*, and now have sent to him to make it up 100,000 £. and all this have I done with the Charge of Ambassadors, and otherwise; which have risen to an infinite Sum, which I have borne myself, and hath cost me above 200,000 £. in preserving the *Palatinate* from invading, finding no Hope of the rest, besides 300,000 £. and besides the voluntary Contribution: And I am now to take Care for a worse Danger against next Summer, albeit, I will leave no Travel untried to obtain a happy Peace; but I thought good to be armed against the worse Time, it being best to intreat of Peace with a Sword in my Hand. Now I shall labour to preserve the rest; wherein I declare, that if by fair Means I cannot get it, my Crown and Honour, and all shall be spent with my Son's Blood also, but I will get it for him: And this is the Cause, for all the Causes of Religion are involved in it; for they will alter Religion where they conquer, and so perhaps my Grand-Child may suffer, who hath committed no Fault at all. There is nothing done without a Speedy Supply, and *his dat qui cito dat*; wherefore I hope you will no more fail me now, than you have done my Predecessors. In this I must trust your Cares; and I think if a Man could see all your Hearts in one Face, it would testify a general Acclamation of this my Motion.—— Consider who it is that moves you, your King; and his Care of Reformation, and the Charges which he hath discharged, besides 40,000 £. of late in the *Pyratical War*; and consider, if I deserve not your Respects.

For your Parts you may be informed of something fit to me required of Me for Matter of Justice; I never directly nor otherwise desired the contrary; for which Purpose I have chosen Judges of the best Learning and Integrity that I could

‘ could, and if they prove unjust, I will not spare
‘ them. It’s strange that my Mint hath not gone
‘ this eight or nine Years; but I think the Fault
‘ of the Want of Money, is the uneven balancing
‘ of Trade; for other Things (I confess) I have
‘ been liberal; but the main Cause of my Wants
‘ hath been the ill Government of those whom I
‘ have trusted under me: For Bounty, I will
‘ not make every Day a *Christmas*; and yet it
‘ may be I have hurt myself in some, and in
‘ others my Subjects; but if I be truly informed,
‘ I will rightly reform; but for you to hunt after
‘ Grievances to the Prejudice of your King and
‘ yourselves, is not the Errand: Deal with me
‘ as I deserve at your Hands; I will leave nothing
‘ undone that becomes a just King, if you deal
‘ with me accordingly. I know this Parliament
‘ hath been of great Expectation; and so was that
‘ at my first Coming, when I knew not the State
‘ of this Land. I was then led by the old Coun-
‘ sellors I found which the old Queen had left,
‘ and it may be there was a Misleading, and a Mis-
‘ understanding between us, which bred an Abrup-
‘ tion: And at the last Parliament there came up
‘ a strange Kind of Beasts called *Undertakers*, a
‘ Name which in my Nature I abhor; which
‘ caused a Dissolution; now you have the Ad-
‘ vantage, that I call you out of my free Motion,
‘ and my Trust is in your good Offices for my
‘ good Estate; even in all and every one of you
‘ I hope I want not good Subjects; and I assure
‘ you, ye shall find an honest King of me: How
‘ happy a Fame will it be that he is revered
‘ and loved by his People, and reciprocally loves
‘ them? Now shall I be honoured by my Neigh-
‘ bour Princes, and my Government peradventure
‘ made an Example for Posterity to follow. And
‘ so I leave you.’

After the King had ended, the Lord Chancellor,
Sir Francis Bacon Viscount *St. Alban*, by his
Majesty’s Command, directed the Commons to
choose

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Thomas Rich-
ardson, Esq; elec-
ted Speaker.

chuse a Speaker; who presented *Thomas Richardson*, Esq; Serjeant at Law, for that Office; and he, with the usual Ceremonies, was approved of.

In order to give the Proceedings of this Parliament, with the utmost Impartiality, we shall keep strictly to the Authority of the *Journals*; except where *Rushworth*, or any other Historian intervenes, with some Circumstances not taken notice of in the former. By the same Rule we may be able to detect any Fallacies, which the Prejudice of Party, now beginning to run high between King and Parliament, may have given Rise to. For this End we shall adhere, more closely, to the Proceedings of this Parliament, *de Die ad Diem*, than we hitherto have done; the Justness of which Method it is hoped will compensate for the Tedioufness of it.

The first Day of doing Business, in the House of Lords, was *February 5th*, when the Lord Chancellor moved the House, 'That such as have any Proxy from any Lord, licenced by his Majesty to be absent, should deliver the same to the Clerk of the House; and that every Lord should cause the Writ of Summons, to him directed, to be given to the same Clerk; to the End that by these Proxies and Summons, so entered, it may better appear who was absent.

Debate on the
Form of a Writ
for summoning
the Peers.

After this, the Lord *North* stood up and acquainted the House, That having read and considered of the Summons, directed to himself, he found the same to vary from the former and ancient Form of Writs of that Nature. The Consideration of which was by their Lordships refer'd to the Committees, which shall be nominated and appointed to consider of the Orders and Customs of this House, the Privileges of the Peers of the Kingdom, and Lords of Parliament. A Committee was immediately named for that Purpose, consisting of the Archbishop of *Canterbury*, all the great Officers of State, eight Earls, six Bishops, and fifteen Barons. These had Power to call to attend them the Chief Lord Justice, some other Judges,

Judges, the Attorney-General, and such other of An. 18 James 1
his Majesty's Council as they thought fit, to meet 1620.
in the painted Chamber, after the Rising of the
House.

February 8. Several Lords were excused Attendance for Want of Health, or on other Occasions. The same Day one Richard Camell, a Clerk in the Petty Bag Office, was brought to the Bar of the House of Lords, to answer a Complaint made against him, for omitting in the Body of the Writs, directed to several Lords, these Words, *Per illud & fidei nostro*, and had only given the Names of such Lords, to whom the said Writs were directed. And though the said Camell did then and there, on his Knees at the Bar, humbly acknowledge his Fault, and declared himself very penitent for the same; yet, as he was not able to excuse or make any Defence for his Neglect, and because it was held justly offensive to those Lords whom it particularly concerned, and to be much against the Honour and Dignity of the House; by unanimous Consent, the said Camell was committed Prisoner to the Fleet.

This Day, a Report was made from the Committee of Privileges, &c. and a Schedule, or Note, was delivered in of what they had already done, and how they intended to proceed. It was ordered that the said Note should not be entered or registered till towards the End of this present Parliament, when a Detail of all their Proceedings was to be given in, and on which the House was to order accordingly.

Feb. 10. An Order was made for the Enlargement of Richard Camell, on his humble Petition to the House. And the House was called over, when every Lord answered distinctly to his Name, beginning with Charles Prince of Wales, and so descending down to the youngest Baron.

Feb. 14. The Lords being informed that some Messengers from the Commons attended at the Door, they were called in. When Sir Edward Coke, accompanied with the Lord Cavendish, Sir

An. 18 James I. *Fulk Greville*, Chancellor of the Exchequer, the Treasurer of the Household, Mr. Secretary *Calvert*, and several others of that House, delivered the following Message to the Lords.

A Conference for putting the Laws in Execution against Jesuits, &c.

‘ That the House of Commons do pray a Conference, concerning joining in Petition by Committees of both Houses, unto his Majesty, for the better Execution of the Laws against *Jesuits*, *Seminary Priests* and *Popish Recusants*; and this, by the Nether House, is desired to be with all convenient Expedition.’

After the Messengers were withdrawn, the House took the Message into Consideration; the Desire of the Commons was generally approv’d on, and a Committee for the Conference was appointed.

At the Request of the Archbishop of *Canterbury*, a Sub-Committee of nine Lords was named, for the Matter of Customs and Privileges, &c. instead of the greater Number aforesaid.

Feb. 15. The Lord Chancellor declared that his Majesty, having been mov’d to know his Pleasure when the Committees of both Houses shall wait on him, with their Petition, relating to *Jesuits*, &c. had appointed *Saturday* the 17th Instant for that Purpose. The Lord Chancellor was desired to be the Common Mouth, in delivering the Petition from both Houses to the King: But some Debates arising about the Form of the Petition, the Consideration thereof was referred till next Morning.

February, 16. It was moved, that since the Commons desired his Majesty to declare himself for the Execution of the Laws against *Jesuits*, *Seminary Priests*, and *Popish Recusants*, by Proclamation, whether, to the Word Proclamation, or otherwise, should not be added? Upon a Division of the House, it was carried for the additional Words; but, with Proviso, That if the Commons did not approve of them they should be left out in the Petition. The Committee of Lords having acquainted that of the Commons with this Resolution, the Commons insisted upon it, that nothing formerly agreed to, should receive any Alteration in

in Matter or Form. The Prince was of the Lords An. 18 James I.
Committee. 1620.

This Day, also, the Lord Chancellor acquainted the House with an odd Affair, concerning a Quarrel or Jar happening between two noble Members of that House, the Earl of *Berkshire* and the Lord *Scroop*; namely, that the former did push, or thrust, the other, forcibly, in the House, against the Honour and Dignity of it.

Hereupon, both the said Lords were called to the Bar to answer the Misdemeanor aforesaid; and, it appearing, by Proof, that the said Earl was the Aggressor, and did violently push the Lord *Scroop*; they were both ordered to withdraw into separate Rooms, till the House could take Consideration of this Matter. Soon after, the Earl of *Berkshire* being called again to the Bar of the House, and being on his Knees, the Lord Chancellor told him, that the House had considered of his Fault, which they found to be very great; in that his Lordship being a Peer, who therefore should be tender of the Privileges of the House, had, in the House, and in the Presence of the Prince his Highness, offered Force to a Member of the same. The Censure therefore was, that his Lordship be committed close Prisoner to the *Fleet*, until the House should take further Order in that Cause. The Gentleman-Usher was ordered to attend the said Earl to his own House, at his Request, but disarmed, and from thence to the *Fleet*.

Whereupon the former is committed to the Fleet.

Afterwards the Lord *Scroop* was called for, and brought into the House, and ordered to his Place; to whom standing uncovered, the Lord Chancellor declared, That the Lords had considered of the Nature of the Fault wherewith he stood charged, and found him not worthy of Blame, for any Fault of Commission, but only of Omission, in not complaining to the House. That otherwise he had carried himself temperately, and therefore it was the Pleasure of the House he should keep his Place.

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Upon his Recon-
cilement with
Lord Scroop, he
is discharged.

said somewhat in a low Voice to him; it was not heard by the rest of the Lords, but thought to be an Acknowledgment and Submission for his Offence committed in his Highness's Presence. Afterwards the Lord *Scroop* went from his Place to the Prince, and there, in Presence of his Highness and many of the Lords standing by, the aforesaid two Lords were reconciled. The Lord Chancellor being returned to his Place, openly rehearsed this Matter to the House; and added, That if either of the said Lords, so reconciled, should at any Time hereafter, do, or offer to the other, any Wrong, contrary to this Reconcilement; the Party, so offending, would be deem'd guilty of an high Offence to the Prince, and Contempt of the House.

February 20. A Message was sent from the Lords to the Lower House, desiring a Conference, in which the Substance of his Majesty's Answer to the late Petition of both Houses, might be delivered to them, by the Lord Chancellor, who by common Consent had been appointed the Prolocutor of both Lords and Commons, on that Occasion. The Time, if it was convenient to them, forthwith in the *Painted Chamber*.

This was agreed to by the Commons; and on the Return of the Lords Committee, the Lord Chancellor acquainted the whole House, That he had communicated the Substance of his Majesty's Answer to the Committee of the other House, from such Notes as he had taken of it, when it was given. That, thereupon, Sir *Edward Coke*, one of their Committee, had desired him to let them have the Memorial in Writing which he had taken; since they of the other House had delivered in their Suit, or Petition, in the same Manner. To this he answered, That sofaras much as the Paper, on which he took the said Memorial was small, and unfit for public Perusal, he desired he might have Time, till To-morrow, to perfect his said Notes.

The:

The Question being then put, Whether they should be delivered in the Manner the Chancellor mentioned? it passed in the Affirmative. The Lord *Hunsdon* moved that the Original should remain with the Clerk of this House, but was not seconded.

Nothing material happening to come before the Lords for some Days, their Time being taken up in reading of private Bills, or such as did not greatly affect the Public, and hearing Complaints on Breach of Privilege for Arrests, &c. we shall now look into the House of Commons.

They first set out with Religion; a *Jesse principium*, as Sir *James Perrot* said; who moved, 'That all the Members of the House might take the Communion; which was a Touchstone of their Faith.' Sir *Edward Gyles* moved for 'Liberty of Speech, but not to admit extravagant Speeches; and that such should be punished in that House. That there were many *Popish Recusants*, and Multitudes of *Jesuits* and *Seminaries*, ready for mischief, in and about this City. That their Malice encreased with their Number. Put the House in Mind of the Gunpowder-Plot. Moved to petition the King to put the Laws in Execution against them.'

Debate in the Commons,

This Motion was seconded by Sir *Jerome Horsey*, who moved, 'That four, or six, of that House might be appointed to search the Vaults and Cellars, under the Parliament-House, twice a Week. That Numbers, hereabouts, might prove dangerous; and their Malice like to be the principal Cause of the Ruin of the King of *Bohemia*. Their making Bonfires and rejoicing at it. But hoped that King yet remained the Lord's Anointed, and that he would be again established; and be the Means to ruin the *Pope*. That they that eat their God would eat us, &c.'

As to Recusant

These and many more such kind of Expressions were thrown out against the *Papists*. And it was at last agreed for a Conference with the Lords to

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join with them in a Petition to the King to put the Laws in Force against them.

The Supply;

The same Day, February 5th, Mr. Secretary Calvert put the House in Mind of what this Parliament was principally called for, 'The *Ardua Regni*, mentioned in the Writs, were to make good Laws, and to supply the King's Wants, which last was for to keep the State from Danger and Scorn. That this was more pressing, and now a bleeding Business; therefore, though it was not usual, yet, in respect to the Necessity and Rareness of the Case to begin first with this. That the King expected a Supply, in these his urgent Necessities, and especially to recover the Patrimony of his Children, that the King's Wants were known to be urgent; and how could it be otherwise, considering the vast Expences of the Crown, and the small Means the King had received from his Subjects; except the *Benevolence*, none in ten Years Time.'

'The King had strove to lessen his Expences, being loth to burthen his People;—Household, Navy, Ordnance, *Ireland*, &c. The Crown not to be suffered to lie under this Burthen without Help. Dangerous, not to King only, but to Kingdom also; for they are Relatives not to be disjoin'd.'

'Though the King, for many just Causes, had hitherto been Neutral for *Bohemia*; in respect of Conscience, Honour, &c. yet, for the *Palatinate*, if not by Treaty, he was resolved by War to regain it. But this admits of no Delay, one Day's Neglect may overthrow it. The State of it now is, that *Spinola* hath conquered all but *Heydelberg* and two or three other Places; *Bohemia* defeated; all the Confederate Princes and Countries fall'n off, and reduced to the Emperor's Obedience. That this Affair had been referred to a Council of War, who have reported 30,000 *l.* Charge for the first Year. The King already hath borrowed and employed in that Business 100,000 *l.* That an extraordinary Embassage was ready; but the best Treaty was with Sword in Hand.'

'That

That all *Christendom* was in Confusion; Germany, Bohemia, the Low-Countries, Sweden, and Poland; the Turk had got the greatest Army they ever had, since the Time of *Solyman*; which was to be ready by the 1st of *March*. This Circumstance, alone, is very important to us; and it is not honourable for our King to have his Sword in his Sheath, when so many are drawn.

For our Grievances; they are many and just; no Body without some Sores; the King had promised a gracious Hearing on that Score; and he that will not take hold of it, betrayeth his Country for which he is trusted. Lastly, he moved for a Committee.

Sir *William Cape* spoke next. He professed his own Zeal to further the King's Business; but was against the Question for a Committee at that Time. He wished this Parliament had been held a Year ago; but now it was fitting to look what was to be done. That the Supply, granted, must be divided; for *Bohemia*, the *Palatinate*, and for the King's other Wants; but a Committee was not fit now for any of them. That he expected a Committee of the whole House would sit every Afternoon; to consider the State of *Christendom*, *England*, the State of Wars, and the best Means to carry them on. This to be done by a general Committee; which will be the greatest Terror to the Adversary.

The Treasurer of the Household said, That he beseeched the Honourable House to consider, that never any well-affected Subjects had greater Cause to be pressed and make Supply for preventing of pressing Dangers. That there was no Doubt of the King's Willingness for Retribution. Open and free Dealing with him were the best Means to work upon his Royal Disposition. He promised all his own good Offices to further this; and concluded, That whosoever doth not do so, betrayeth both King and Kingdom.

Sir *John Davis*. I expected not this Motion, as this Day, but I think it fit, since it is now moved.

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moved. All Men run together to quench a Fire; which is our Case. Though we are not so here; yet the *Palatinate* is on Fire; Religion is on Fire; and all other Countries on Fire.'

' Though we begin this Matter now, we cannot end it so; though we agree on *Subsidies*, yet, there must be Time for drawing Bills, reading and passing them; Commissions, Levying, Paying in, &c. But this is the greatest Cause, the greatest Occasion for a Supply, since the Conquest. I shall mention four other Causes.'

' 1. For Recovery of the *Holy-Land*. 2. For the Redemption of *Richard I*. 3. For the Recovery of *France*. 4. For saving of *Ireland*; but, the Recovery of the *Palatinate* is greater than all.'

' For the sake of *Jerusalem*, there was a perpetual War, for 100 Years, at least. *Henry II*. gave 50,000 Marks at that Time. *Richard I*. pawned all the Jewels and Demesnes of the Crown. All this to obey the *Pope's* Commands and Imposture; which was to recover that blessed Land the *Pope* had cursed, but, his End, to usurp their temporal Jurisdiction. We, for the *Palatinate*, have a just Title; they none.'

' For the second. *Richard I*. his Ransom was 150,000 Marks; Plate of Religious Houses, Chalice, &c. were melted down for it. This was a noble Work, and better than the *French* did; who left their King here, several Years, unransomed. But Religion was not then in Question, as it is now.'

' So for the Wars in *France*; the Title was just, and though recovered at last, yet there was great Expence about it. No Loss, if it had not been meddled with at all. But, the *Palatinate* otherwise; this is dangerous to the *Low-Countries*; the *United Provinces*, and the whole *Protestant Interest*.'

' For *Ireland* two Millions were disbursed; and six *Subsidies* and twelve *Fifteenths* given here. Yet, the Loss of *Ireland* not so dangerous as the *Palatinate*; for the *Irish* would never long have endured

Spanish

Spanish Tyranny. Therefore, I move, for giving ^{An. 18 James} this very Day; and, no Doubt, God will bless it. ^{1620.}

On the other Hand, Sir *George Moore* said, 'That since divers Things had been proposed, every Man expected and required Liberty of Speech. As free Choice, so free Voice. That this was granted in the Proclamation before Parliament (r); and since, by the King's own Mouth. We live under Laws made by ourselves; other Nations are governed by the Civil Law; and, he doubted not but every Man would keep himself within Bounds.'

Freedom of Speech.

'That Religion and the Church were the principal Matters of a Parliament; Grievances and Supply the next. Parliaments were anciently called to relieve Grievances, as appears by the Statute of *Edward III.* And many of those were increased in this long Intermission. That *Esau* came out first, yet *Jacob* was the Blessing. Therefore, he moved, That the Supply and Grievances might go Hand in Hand together; and that a Committee of the whole House might be appointed, to consider of both; but no Speech now *de quanto*.'

Sir *James Perrot.* 'If we differ with our Equals, to have it done in Love; if, with our Superiors, with Respect. Supply and Grievances to be as Twins; to go together and have no Precedency. That there was a Proclamation to restrain speaking of Matters of State, and the King's Speech confirmed it. There was, also, a Restraint put on petitioning in Religious Matters. Moved for a Petition to the King to explain himself what he intended by Matters of State. If *Recusants* and the like, so *Monopolies, &c.* may come within the Compass of the Prerogative: Even, for the *Palatinate*, what to be given, how to be employed, &c. may come within Compass of Matter of State. A Committee may form such a Petition, and bring it into the House To-morrow? Is against Conference with the Lords; *Frustra fit per plura, quod fieri potest per pauciora.* He truly honoured

(r) See before p. 312.

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honoured all the Lords in general; but, in the last Parliament they rejected Conference; if they denied them again, it would be a Prejudice. Moved for a Committee to consider of a Petition to his Majesty to the Purpose above.'

The Master of the *Rolls*. 'I commend the last Gentleman's Speech, but differ from him, in sending a Message to the King about that which he yielded before, as freely and fully as could be. I hope that none will abuse this Liberty of Speech; and, if they do, that this House would punish them for it, before Notice be given of it to the King.'

'For the Necessities of the Kingdom; all who have spoken have done it to one End; every one hath a special Interest in it, in regard to his Estate, Children, &c. He speaketh both for King and Kingdom. The Hazard of the King's Grand-Children, which are five, descended from the Lady *Elizabeth*. The Relief is thought necessary by all; the Question, only, of the Time when to treat of it. If not speedily, it will do no Good; necessary Delays, though begun now, must make it long before it be received. I agree, that Supply and Grievances go together; and that half the House may attend one, and half the other. Necessity is a Law, against which there is no Reasoning. Let both be reported together. The King hath more Desire to redress our Grievances, than we to supply him.

Sir *Edward Coke*. '*Virtus silere in Convivio, Vitium in Consilio*. I joy that all are bent with Alacrity against the Enemies of God and us; *Jesuits*, *Seminaries*, and *Papish Catholics*; it was a Grievance complained of the 8th of this Reign, that the Laws against *Recusants* were not executed; I would have all those Grievances, 8 *Jac.* reviewed, of which that was one; if any new increased to take special Consideration of them. I and *Popham* were thirty Days in Examination of the *Powder-Plot* at the *Tower*. The Root of it was
out

out of all the Countries belonging to the *Pope*. And *Faux* repented him that he had not done it, God then, and in 1588, delivered us for Religion's Sake.'

'The Privileges of the House concern the whole Kingdom; which, like a Circle ends where it began. But take heed, we lose not our Liberties, by petitioning for Liberty to treat of Grievances, &c. No Proclamation can be of Force against an Act of Parliament. In *Edward* the 3d's Time, a Parliament was holden every Year, that the People might complain of Grievances. If a Proclamation comes against this; the Law is to be obeyed, and not the Proclamation. The 4th of *Henry VIII*. *Strowde* moved against the *Stannary* Court; but was fined after the Parliament, and imprisoned by the Steward of the *Stannary*. Thereupon, a Law ensued, for Freedom of Speech in the House; but it ought to be done in due and orderly Manner.

'My Motion is, that the Grievances may be set down; those that are nought in *Radice*, or *Traetu Temporis*, first. The King's ordinary Charge and Expences much about one; the extraordinary ever borne by the Subject; therefore, the King can be no Beggar. And, if all the Corn be brought to the right Mill, I will venture my whole Estate, that the King's will defray his ordinary Charges. Lastly, he moved for a Committee of the whole House for Grievances; and said, the Remedying them would encourage the House, and enable them to encrease the Supply.'

And Grievances.

The Upshot of this Debate, was, that at last, it was put to the Question, Whether a Petition to the King for Freedom of Speech, against Recusants, the Business of the Supply, and for Grievances, should be referred to a Committee of the whole House? And it was resolved to go upon them that Afternoon.

But we hear no more of this Matter of Supply for a long Time. The public Grievances got the upper

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Proceedings
against Sir Giles
Mompesson, a
Monopolist and
Patentee.

upper Hand of it entirely ; and the House of Commons applied themselves so closely to this Point, and the Censuring of Delinquents in Patents and Monopolies at Home, that they seem'd to have, in a Manner, entirely forgot the *Palatinate*, and all other Affairs Abroad.

In order to begin the Reformation with themselves, the first they laid Hands on, was a Member of their own House, Sir *Giles Mompesson*, a Projector, and a great Dealer and Patentee. This Man they convened before them, and ordered him into Custody of the Serjeant at Arms ; but he, being conscious of his Guilt, found Means to make his Escape and fled beyond Sea. The Particulars of this Affair best appear in the *Journals* of the Lords, to whom the Commons carried their Complaint against the said Sir *Giles*, and others concerned with him in the Execution of his Projects : All the judicial Proceedings both against this Man, and others of much higher Rank, in the Sequel, being transacted before this supreme Court of Judicature. We shall therefore now return back to the Lords where we left off, in the diurnal Account from that Authority.

March 3d. A Message from the Lower House was delivered to the Lords by Sir *Edward Coke*, attended by several Knights, Citizens, and Burgeses, to this Effect :

That the House of Commons had entered into a due Consideration of divers heavy Grievances, and do desire a Conference about them ; leaving the Time, Number, and Place to their Lordships Appointment. He further added, as Part of what they had enjoined him to say, That whilst their House was thus, amongst themselves, in Treaty and Advice, the principal Offender, Sir *Giles Mompesson*, was escaped. Therefore, the Commons did desire strict Scrutiny should be made for finding him out within the Realm.

The Messengers being withdrawn, the Lords agreed to the Conference ; the Number, the whole House,

House, the Time and Place, *Monday next, March* the 5th, at two in the Afternoon, in the *Painted-Chamber*. Sir *Edward Coke*, and the rest were again called, and the Lord Chancellor acquainted them, That the House had agreed to meet with the Commons, as above; and that their Lordships would give their best Aid and Assistance for finding out the Offender. On which Answer, Sir *Edward* desired to explain his Message a little further; and declared that the Commons were not fully provided for a Conference so soon; but that his Meaning was, That if their Lordships would be pleased to yield to one, then the other House would prepare the Business so, as it might give least Interruption to their Lordships greater Affairs: And, when they were ready, would return and acquaint their Lordships with it. The Chancellor answered, That the Lords would suspend the Time, till the Commons were ready for the Conference.

Several Proposals were then made for the apprehending of this great Offender, Sir *Giles Mompesson*; and a Message was sent to the Lower House to acquaint them, That they had appointed a Committee of forty Lords, of which the Prince was the first, to confer with a Number of the Commons, immediately, about that Point. The Lord *Zouch*, Warden of the *Cinque-Ports*, was ordered to send his Warrant thither, to search for, and apprehend the said Sir *Giles*, if he should attempt to escape that Way. The two Lords Presidents, of *Wales*, and of the Council at *York*, were ordered to cause strict Search to be made in the several Ports under their Charge. The Lord Treasurer had the same Charge given him, to take Care that all Officers of the Customs, and other Officers, within the Ports, Havens, and Creeks of this Land, be warned of this Business. Lastly, Orders were given to the Lord-Admiral, that he should instruct all Vice-Admirals, and other Maritime Officers, under

AN. 18 James I. under his Jurisdiction, to make the like Search for this extraordinary Runagate (s).
1620.

All these Orders and Directions of the Lords, being told to the Committee of the Commons, they approved of them, with Thanks; and only desired that a more private Search might be made for the Offender. Accordingly, a Warrant was ordered to be drawn, as from the House of Lords, and signed by the Chancellor, as their Speaker; and the Lord Chamberlain, the Earls of *Arundele* and *Southampton*, the Lords *Hunsden* and *Houghton*, were appointed for that Purpose. Which Warrant, being drawn, read, and approved on, was ordered to be directed to the Deputy-Clerk of the Crown, and Clerk of Parliament, and to all Mayors, Bailiffs, &c.

In the midst of these Orders and Directions, the Lord-Admiral, the Marquis of *Buckingham*, declared openly to the House, how much he had been deceived and abused by this Offender, Sir *Giles Mompesson*; who, but very lately, had wrote to him, protesting his Innocency; affirming, that what was objected against him was but Matter of Cavil; and that he desired, only, a legal Trial by due Course of Law.

March 5th. The Lord Chancellor acquainted the Lords, that the Deputy-Clerk of the Crown and the Clerk of Parliament, with such others as they had thought fit to allow of, had, according to their Lordships Direction, made Search into the several Houses of Sir *Giles Mompesson*, Sir *Francis Milsbest*, and in the House called and used as for the Exercise and Execution of Letters Patents, concerning Gold and Silver Thread, &c. in *Woodstreet*; and that in each Search the said Clerks had brought away divers Books and Writings, concerning such Matters wherewith the said Sir *Giles Mompesson* standeth charged; which they had sealed up, according to the Direction of the House. The Lords

(s) There is the Form of a Proclamation from the King, dated March 3d, in *Rymer's public Acts*, for apprehending Sir *Giles Mompesson*. Tom. XVII. p. 284.

Lords ordered that the said Things, so sealed up, should be safely kept by the Clerk of Parliament; until, upon Motion from the Lower House, their Lordships should be pleased to give further Direction, about delivering them to such Members of that House, as should be assigned to receive the said Books and Papers, for the better Manifestation of the Truth in such Matters, as the said Sir *Giles* stood charged with.

The same Day, the Lord-Admiral, *Buckingham*, made a Motion to the House, ' That since the Education of Youth, especially of Quality and Worth, is a Matter of great Consequence; therefore to provide that such Persons, in their tender Years, do not spend their Time fruitlessly, about the Town or elsewhere, his Lordship wished that some good and fit Course might be taken for the Erection and Maintenance of an Academy, for the breeding and bringing up of the Nobility and Gentry of this Kingdom, in their younger and tender Age; and for a free and voluntary Contribution, from Persons of Honour and Quality, for that Purpose.'

This Motion was generally liked and commended, and many grave and judicious Speeches were used, by several Lords, touching the most considerable and material Points, and the perfect Accomplishments of this most honourable Project. Some concerning the Place where such an Academy should be placed and erected; others, what Qualifications, Arts, Sciences, and Exercises should be there taught and practised; then, how to be maintained; and to what Kind of young Gentlemen Freedom shall be given to resort or live there as they shall please, with other Circumstances. And, in order that the Matters and Points aforesaid might, with more Conveniency, be opened and discussed, the House was adjourned during Pleasure.

The same Day, Sir *Thomas Edmonds*, with others, from the Commons, delivered this Message; ' That the Commons had sent a former Message to their Lordships for a Conference touching certain

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tain Grievances, principally, concerning Sir *Giles Mompeffon*, and this House yielding thereto, had appointed the present Day for that Purpose, if the Commons were ready for it. Therefore, he was ordered to say, that they were not sufficiently provided for the Business, nor cannot be till *Thursday* in the Afternoon, if their Lordships should find that Day convenient. This was agreed to by the Lords, and the whole House to be a Committee to meet on that Occasion.

Then the House appointed a Committee to consider of the Academy aforementioned; consisting of the Prince, the Archbishop of *Canterbury*, the Lord Chancellor, the Archbishop of *York*, the Lord Treasurer, the Lord Admiral, the Earl of *Oxford*, &c. The Lord Chief Justice, and the Attorney-General to attend them, to meet in the Council-Chamber at *Whitehall*.

March 6. After reading a Bill, brought in by the Bishops, for punishing divers Abuses committed on the Sabbath-Day, called *Sunday*; the Lords received a Message from the Commons, 'That they had taken Notice of some Warrants, issued by their Lordships, for Search in certain Places for Papers concerning Sir *Giles Mompeffon*. That the Parties, therein employed, had found and brought in certain Papers sealed up, also, a Trunk and a Bag in which other Papers and Books are sealed up, which they desire may be delivered to them. That one Question had been made by the Persons so employed, concerning their Power, and they desire further Warrant, from the Lords, to authorize them to open Locks, Doors, or Chests, that their Search may be more enlarged.' *Answer.* 'That the Lords do grant the Request of the Commons in all its Points; and will give Direction for the proper additional Words to be added to the Warrant.'

Act relating to
erecting Hospi-
tals, &c.

March 8. Amongst other Bills of less Consequence, one was read for reviving and making perpetual an Act passed in the 39th of *Eliz.* entitled, *An Act for erecting of Hospitals, and Abiding and Working Houses for the Poor.* And the Bishop of *Banger*

Dangor informing the House, ' That, to his Know- ledge, eighteen Hospitals were at this Time impeached touching their Incorporations; Orders were given to the Attorney-General to draw a Bill for the Confirmation of Hospitals already founded.' An. 18 James II. 1680.

The Lords Committees for the Orders, Customs, and Privileges of the House, &c. having met according to their Directions, desired that certain of them may be appointed to attend his Majesty, with an humble Request, That he will be pleased to assign them a Day, when they may all come and give him Satisfaction in some Points relating to his Prerogative. Eight of them were immediately appointed for that Purpose. Adjourned to the 12th.

March 12. The Hospital-Act was read a third Time and passed; also, another for Confirmation of an Hospital, called King *James's* Hospital, founded in the *Charter-House*, in the County of *Middlesex*, at the humble Petition and sole Costs and Charges of *Thomas Sutton*, Esq.

Then the Lord Chancellor, moving from his Place to his Seat as a Peer, reported what passed at the last Conference of both Houses; the Inducement of which was, to clear the King's Honour touching Grants to *Sir Giles Mompeyson*, and the Means of procuring the same.

The Effect of this Conference was, ' That the King, on the Petition of the said *Sir Giles*, to have a Patent to reform Abuses in divers Innkeepers, and a Warrant to compound for the Penalty of obsolete Laws touching the Prices of Horse-Meat, had referred the same to several Judges, for the Point of Law; and to divers Lords, for the Point of Commodity. That his Majesty had shewn the like Care, in granting the Patent for Monopoly of the sole making of Gold and Silver Thread. That *Sir Henry Yelverton*, Attorney-General to the King, had advised the same to be returned into his Majesty's own Hands, and then by Indentures to authorize divers Persons to manage it; but, that this, also, was referred by his Majesty to the Consideration of several of his Council. That

Further Proceedings against *Sir Giles Mompeyson*.

An. 18 James I. 1620. the Benefit arising to the King was made over to others, *pro Tempore*; that the Authority, granted by the King, was much abused in the Execution thereof, to the intolerable Grievance of the Subject; and lastly, that much Imposture was used in the Trade.'

The Lord Chamberlain then stood up, and declared to the House, 'That, at the said Conference with the House of Commons, two *great Lords*, meaning the Lord Chancellor and the Lord Treasurer, spoke in their own Defence; not being allowed so to do, when Committees are named, and the said Conference directed and limited by this House; which was against the ancient Orders thereof.--- Therefore, his Lordship moved that an Order may now be entered to prevent the like hereafter.'

Resolutions as to Breach of Order in the House of Lords; The Motion was agreed to, with this Addition, 'That the said Lords should give the House Satisfaction, by an Acknowledgment of their Error herein.'

Whereupon the Lord Chancellor, removing again to his Seat as a Peer, did acknowledge, that, contrary to the Orders of the House, he had spoken, at the last Conference, more than he had Direction from the House to do, and owned that he had erred therein. Which Acknowledgment the Lords, in general, accepted of. The Treasurer, also, did the same; and then it was particularly ordered, that these Acknowledgments should be entered in the *Journals*. Moved by the Lord *Spencer*, and agreed to, 'That no Lords of this House are to be called *Great Lords*, because they are all *Peers*.'

The Lords taking into Consideration the Grievances complained of by the House of Commons, it was agreed, That a select Committee should be chosen to confer with that House, as well to demand of them such Letters-Patent, Commissions, Warrants, Examinations, and other Writings, which concerned the Grievances; as also, to receive, by Word of Mouth, such further Informations as might conduce to the proving of such Grievances

Grievances as they had complained of. A Committee was appointed, consisting of the Prince, three great Officers, five Earls, six Bishops, and six Barons. An. 18 James 4
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A Message was then sent to the Commons to desire a Conference, and after a long Stay, Answer returned, That they accepted of their Lordships Motion, and would appoint Fifty of their House to meet them at Nine in the Morning. That their Committee should bring with them all the Letters-Patent, &c. which the Lords required to see concerning the Grievances; and should, likewise, inform their Lordships of such other verbal Proofs, which they had received about them. The long Stay of the Messengers was excused, by their being, when the other came, debating the Bill of *Subsidy*; which was now ordered by them to be engrossed.

Moved by the Lord-Admiral, That the ancient Order of the House was, That, before any new Business be begun, the Matter in Hand be first determined; and this to be entered.

The same Day, *March 12*, the Earl of *Arun-*
del reported to the House, 'That on the 11th instant, the Lords Committees for Privileges, &c. attended his Majesty, according to Order, and that his Majesty was pleased to rest satisfied, as well in their enquiring of Privileges, belonging to the Peers, as also, that they did no Ways trench into the Royal Prerogative, as the Judges had suggested unto the said Committee. His Lordship further reported, That his Majesty was pleased, of himself, to take Notice, That he understood the Peers conceived it a Privilege, belonging unto them, to protest only upon their *Honours*, and not to be put to their Oaths, in Suits, as ordinary Subjects were,' To which the Lords answered, 'That it was very true the House had taken Consideration of it; and found much Cause to think, that in the Time of divers of his Royal Progenitors they had enjoyed that Privilege; which they thought the Practice

And Matters of
Privilege.

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of later Times had invaded, to their Disadvantage ; by encroaching upon it by little and little, when they were not careful of it. But withal, they told his Majesty that this was no Part of their Errand to him ; and therefore besought him to conceive, that what they spoke was only as private Men, who were no Way authorized, at this Time, in these Points, from the House. His Majesty said, ' That he understood it so, but desired them to answer him one Question ingenuously, which was, *Whether they thought Protestation upon Honour, or Oath, to bind them more ?* To which the Lords all answered, *unâ Voce*, That they conceived Protestation upon Honour, to bind more than Oath did ; as being the same before God and before the World ; and, in regard to the Trust given to their Degree, a far greater Charge. Adding, that they conceived the constant and undoubted Usage of trying Peers, for their Honours, Blood, Lives, and Estates, upon their Honour only, did plainly prove it ; and that they thought no, past Age had produced any Example of Inconvenience in the Practice of it.' His Majesty seemed fully satisfied, and bid them tell the House from him, ' That he willingly agreed to this Privilege, so as they would take Care the Common Justice of this Kingdom might not suffer in it. And, that he was so far from diminishing their Privileges, that he would rather add unto them any that were fit.'

March 13. The Names of the Committee for the Conference, to be had this Morning, with the House of Commons, were read. Moved by the Earl of *Arundele*, ' That the whole House (as a Committee) might consider of the Business now to be handled, in the Conference, with the House of Commons ; which was generally agreed to.'

Whereupon the Lord Chancellor, moving from his Place to his Seat as a Peer, after a long Debate it was concluded and agreed to, That the Lord Chamberlain should begin the said Conference ; and that it shall be lawful for any of the Lords of the said

said Committee freely to question with the Commons; to this Intent only, to be informed of their Proofs of the Grievances of which they complain; and, to that End, to enter into Disputes and Arguments with them, and to appoint another Meeting, if the Cause shall so require.

It was further agreed, 'That the Attorney-General should be Assistant to the said Lords of the Committee; and should take Notes of the Proofs produced in the Conference; and, that any Lord might, also, take Notes thereof, and compare the same with others. The Lord Chamberlain to make Report thereof to the House.

At the Return of the Committee from the Conference, the Lord Chamberlain reported, That the Committee of the Lower House desired to be excused from entering into verbal Information and Disputes, for that they had no Authority so to do. But, that they, humbly, desired Leave to return to their House for such Authority, and to meet again upon the same Business.'

In the *Journals* of the Commons, as this Day, is an Entry, 'That when Sir *Edward Coke* made the Report of this last Conference, in that House; he told them, That their Proceedings were highly applauded, both by the Prince and all the Lords. And the Lord of *Bucks*, having Leave to speak, delivered himself to this Effect:

He first said, 'That the King was both Passive and Active in these Affairs: Passive by his Majesty's gracious Acceptance of these Proceedings in Parliament; which was plain that the King loved Plainness: Active, in that he strikes whilst the Iron is hot; and since the King was willing to grant all we can ask, let us leave Formality and ask real Things.'

'That, for his own Part, since he had been righted in their House, he would do all his best Endeavours to further the Good both of King and Kingdom; which could not be severed. That, now he knew the Wisdom of Parliaments, he would submit himself to be a Scholar to them.

The Marquis of Buckingham's Speech in relation to Grievances.

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That two of his Brothers being drawn into Question on these Affairs, he would not defend them; but leave them to the Censure of Parliament. That he who begot these two, had, also begot one who would seek for their Punishment.'

The same Day a Message from the Lower House was brought by Sir *Edward Coke*, and others, viz.

'That whereas, at a Meeting for a Conference this Morning, the Lords Committees of this honourable House desired to receive of them, not only all Letters-Patent and other Writings, but also verbal Informations of all other Matters whereof they had made Use in the Proof of their Grievances, now complained of: And forasmuch, as then they had no Authority to enter into Dispute, or to give any verbal Information thereof, they had humbly desired Leave to return to their House to receive such Authority for the same: They do now humbly implore another Meeting, on *Thursday* next, by Nine in the Morning, at such Place as their Lordships shall appoint; and they will come prepared to give them full Satisfaction.'—*Answer*, 'The Lords have considered of this their Request, and will meet them, at the Time desired, in the *Painted-Chamber*.—Nothing else material done. Adjourned to *Thursday*.'

March 15. A Message from the Lower House was brought by Sir *Edward Coke*, and others, That they had returned the Prince's Bill, intituled, *An Act to enable the Most Excellent Prince Charles to make Leases of Land, Parcel of his Highness's Duchy of Cornwall*; and declared, That the same passed their House with much Cheerfulness and Alacrity, and *Voce*.

When the Lords of the Committee were ready to go to the Conference about Grievances, the Lord Treasurer declared, 'That as every Man ought to have a high Esteem of his Honour, so he ought not to be so rash as to infringe the Orders of this Honourable House: That many might think him peremptory, in Defence of his Honour, the other Day;

The Prince of
Wales's Bill
passed Nov. 20.

Day; but he protested it was not out of any Pride; for he freely confessed he spake, at the last Conference, more than he ought by the ancient Orders of this House; but he neither loved Error, nor will contemn Order; and therefore, moved, That whatsoever was spoken of him, or by him, might not be prejudicial in their Proceedings in this Business.

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After the Conference the Lord Chamberlain reported to the whole House what had been done at it; which was to this Effect:

‘ That the Commons had delivered in a Declaration of their Grievances, and the *Capita* of their Proofs, in Writing, *sub Protestatione* not to be a Precedent for them to deliver in their Proofs, in Writing, hereafter.’

Report from the
Committee on
Grievances.

‘ Their Grievances were gounded upon Grants of the Forfeitures and Dispensations of penal Statutes, for Inns, Grants of Monopolies for Gold and Silver-Thread, and Grants of Concealments.’

‘ Touching penal Statutes, they highly commended his Majesty’s Care, both now and in former Times, in referring the same to the Judges and his Privy-Council, and his Resolution not to grant Dispensations therein.’

‘ For the Grants of Monopolies, they shewed, That many Grants of the like Nature have been questioned in former Times, and resolved to be unlawful.’ For Instance,

‘ In the Monopoly of sweet Wines, granted by King *Philip*, to the Town of *Southampton*.’

‘ The Monopoly of Starch.’

‘ Monopoly for making Salt adjudged void; for that the Invention, alledged in the Grant, was not new.’

‘ Monopoly of Train Oil.’

‘ Monopoly for Cards.’

‘ As to the Grants of Concealments, they shewed how dishonourable it was for any Lord to grant the like, much more for a King: That a Cathedral Church and twelve Hospitals were swallowed up thereby: That it was contrary to the King’s
Royal

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Royal Direction in his Book of Bounty; wherein he refuseth to be moved with Grants of that Nature.'

They set forth their Care in these three Points, viz.

- ' 1. Not to meddle with the King's Prerogative.'
- ' 2. To preserve the King's Honour.'
- ' 3. To restore the Subjects their Wealth.'

' That they had delivered the Patents, Commissions, and other Writings, demanded of them. Two of the Declarations of the said Grievances, concerning Inns and Concealments, were then read.' After this,

The Lord *Houghton* declared to the House many Abuses done to the Servants of divers Bishops, by Pages, and others. The Examination whereof was referred to Mr. Baron *Denham*, Sir *William Bird*, and Sir *James Woolridge*; who were to examine the said Abuses with Expedition; and the Lords condescended, that if any of their Pages, or Servants, had been guilty of such Abuses, they might also be examined.

The Lord *Wentworth* moved, and it was ordered, That no Bill, but the Prince's Bill, should be read, until the Business of Sir *Giles Mompesson* be past and determined. The House to sit on Convocation Days, for the more speedy Dispatch of that Business. Adjourned till Two in the Afternoon.

Proceedings
thereupon.

March 15, post Meridiem. According to the ancient Orders of the House, begun with Prayers in the Afternoon: Which done, the third Declaration of Grievances, concerning Gold and Silver-Thread, was read. The Lord Chancellor opened the most considerable Points in it, which he conceived to be five: *First*, The Patents, which are three, and the Points in Law concerning the same. *Next*, What Parties are to be charged for the same. The Proofs, wherein are to be considered what hath been delivered by the Commons; and what may be further found out, and how. The Punishment to be inflicted on the Offender. *Lastly*, The Precedents and

and Manner of the Punishment, according to the An. 18 James I.
Quality of the Offender. 1620.

It was then debated by the Lords, on which of these Points to begin; and that it might be carried on more freely, it was agreed that the whole House should be a Committee *ad Libitum*: On which the Chancellor left his Place, and sat as a Peer.

It was moved by the Lord *Spencer*, and seconded by Lord *Wentworth*, That Sir *Allen Apsley*, with *Tweedy*, *Wilmot*, and *Ferret*, who abused the Execution of those Patents, should be sent for and committed to Custody.

The Earl of *Southampton* moved, ‘ To begin first with the Execution of the Patents by the Patentees and their Agents; and, as there were three Patents complained of, to appoint three Committees, of a new Number, each Committee to examine the Execution of one Patent. Also, because the Lower House could not, nor did not, take the Examinations, to them delivered, on Oath; therefore that the Witnesses might be sent for, and sworn to their Examinations.’ Which Motion was seconded by the Lord Chancellor with this Addition, ‘ That the Oath is to be given publicly in the House; for that it could not be administered in a Committee.’ All which Motions, on the Question, were agreed to.

Next follow the Names of the Lords appointed for the three Committees, which may be omitted; as well as the Order of the Times for sitting, with other Directions; and wait for the Reports made from each in the Days following.

March 16. The Lord Chamberlain, being the first of the Committee on the Grievances by the Patent of Inns, declared, ‘ That whereas it was Yesterday ordered that Parties, whose Examinations were to be taken on Oath, should be sworn in open Court, it appeared that the Gentlemen undernamed, whose Testimony is very necessary, are Members of the Lower House; and therefore he desired, that a Message should be first sent, with great

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great Respect, to the other House, before they be sworn. Their Names were Sir *Francis Fane*, Knt. Sir *Richard Titchburn*, Knt. Sir *Francis Goodwin*, Knt. (t) *John Drake*, Esq; and *Richard Weston*, Esq.

A Message was accordingly sent to the Commons about this Business; who returned for Answer, ‘ That as it was a Matter of great and weighty Consequence, they would take it into Consideration, and send an Answer by Messengers of their own.’ This occasioned a long Debate in that House, which lasted all that Day.

March 17. A Message from the Lower House, by Sir *Edward Coke*, and others, intimating, ‘ That the Commons had been acquainted some Persons of their House were desired to testify, upon Oath, their Knowledge concerning the Grievances complained against that wretched Man, Sir *Giles Mompeyson*, and others: That the Parties so required had offered themselves to be sworn; and therefore that House will not be scrupulous herein, as the Lords may perceive their Concurrence and Readiness to expedite that Business.’ Which Message was gratefully acknowledged by the Lords. And the aforesaid five Members desiring a Day’s Respite to put down their several Depositions in Writing, to which they were to be sworn, it was granted.

March 19. A *Memorandum* is enter’d, That, by Reason of want of Health and Indisposition of the Lord Chancellor, a Commission was awarded to Sir *James Ley*, Knt. and Bart. Lord Chief Justice of the King’s Bench, sign’d by the King, and under the Broad Seal, to execute that Office in his Stead. The Commission is at length in the *Journal*; but is of no great Significancy here.— We shall soon find what was the Chancellor’s Illness.

The same Day, a Message was sent from the Commons by Sir *Fulk Grevile*, and others, ‘ That the Knights, Citizens, and Burgeses of that House have sent up to the Lords a Bill of Subsidies; which,

(t) See before, p. 56.

which, as it passed that House with great and general Alacrity and Expedition, they doubted not but the Lords will, with the like Chearfulness, expedite the same.

In the Midst of their Inquiries into public Grievances, the Commons had thought fit to consider the Necessities of the State, and grant the King a Supply. *March 12*, the Subsidy Bill was debated in that House, and at last, put to two Questions; Whether the Bill should be recommitted? which passed in the Negative; and, Whether to be engrossed, or not? which last was carried for engrossing, without one negative Voice. On the 18th, it passed the Lower House, and was ordered to be sent up to the Lords, as abovementioned. We cannot omit, that a Message from the King was delivered to this House, on their Unanimity, &c. in passing the Subsidy Bill, 'That he returned them Thanks for their Chearfulness in it; and looked upon it as giving him their Hearts and all.'

The Subsidy Bill passed Unanimously.

When this Bill for granting two entire Subsidies, by the Temporality, was read a first Time by the Lords, the Lord Chief Justice repeated, the last Proviso of the Act, which declares, 'That since it is not usual to grant a Subsidy at the Beginning of a Parliament, they desire it may not be drawn into a Precedent, nor be prejudicial hereafter, as the Royal Assent may be given, by Commission, or otherwise, for the speedy levying of the same, the Parliament still sitting.' Ordered that this Bill be read again in the Afternoon.

Another Message came from the other House, brought by Sir *Robert Philips*, and others, 'That, in their Search into the Abuses of Courts, they found Abuses in certain eminent Persons; for the which they desire a Conference, that such Course may be taken for the Redress thereof, as should stand with the Honour and Dignity of a Parliament. The Time, Place, and Number of Committees, they humbly leave to their Lordships.' Answer was immediately returned, 'That the Lords were well pleased to accept of the Conference required; the

Com-

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Committee to be of their whole House, and at Two this Afternoon, in the *Painted Chamber*.

Post Meridiem. The Lord Treasurer return'd, with the Committee of the whole House, from the Conference; and, being to make the Report, told the Lords, that he desired Respite till the next Morning, that he might, in the mean Time, peruse his Notes taken thereof.

The *Subsidy* Bill was read a second Time, as also another for Confirmation of the *Subsidies* granted by the Clergy.

This Day concludes with a *Memorandum*, That whereas, in the *Subsidy* Bill granted by the Layty, the Univerſity of *Oxford* was named before the Univerſity of *Cambridge*: It was much debated by the Lords what Courſe was to be taken for an Equality between them, that the one might not have the Precedency of the other. But nothing was concluded on, about this Matter, at that Time.

Complaint a-
gainſt Lord Chan-
cellor Bacon for
Corruption;

But before we proceed to this Report, it is neceſſary to look back a little into the *Journals* of the *Commons*, for the Beginning of this Buſineſs againſt ſo renown'd a Man, as Sir *Francis Bacon*, Lord *Verulam*; whoſe Name has often occurred in the Progreſs of this Work. *March* the 15th, Sir *Robert Philips* made a Report from the Committee, appointed to examine into the Proceedings of the Courts of Juſtice, which he divided into three Parts: The Perſon againſt whom; the Matter; and the Opinion of the Committee upon it, with the Deſire of further Direction from the Houſe.

The Perſon, he ſaid, was the Lord Chancellor; a Man excellently well endowed with all Parts of Nature and Art; of whom he would not ſpeak much, becauſe he could not ſpeak enough.—He then proceeded to accuſe the Chancellor of Corruption, and open'd the Nature of the Evidence to prove it; but, as this will appear much clearer in the Trial of the Lord Chancellor before the Lords, we ſhall poſtponè it till then.

The Commons, purſuing this Enquiry in their own Houſe, on the 19th received a Meſſage from
the

the King by one of the Secretaries of State, ' That An. 18 James I.
the Parliament had now sat long, and *Easter* being 1620.
at Hand, he left the Time of Cessation to that
House: That his Majesty named *Tuesday*, the 10th
of *April*, if they thought proper; but this of their
own Choice.'

His Majesty taking Notice of the Accusations
against the Lord Chancellor, said, ' That he was
very sorry a Person so much advanced by him, and
sitting in so high a Place, should be suspected.
That he cannot answer for all others under him,
tho' his Care in the Choice of Judges had been
great; but if this Accusation should be prov'd, his
Majesty would punish him to the full.'

' That the King would, if it be thought fitting
here, grant a Commission under the Great Seal of
England, to examine all upon Oath that can speak
in this Business. The Commissioners to be six of
the Upper House, to be chosen by them, and
twelve to be elected by this House. That his Ma-
jesty was sorry the Chancellor should be so ques-
tion'd, and hoped he would be clear'd; but, if
not, assured the House that he would punish him.'

This Message, was most gratefully taken by the
Commons; but, the Matter being to come before
the Lords, the Offer of a Commission, for examin-
ing an Oath, was needless; so it was sent up to
that House as afore said.

March 20. The Lord Treasurer made his Re-
port of the Proceedings at the Conference Yester-
day with the Commons; in which he informed
their Lordships of great Abuses in the Courts of
Justice. This he divided into three Heads, as Sir
Robert Philips had done before him.

- ' 1. Of the Persons accused.'
- ' 2. Of the Matters objected against them.'
- ' 3. The Proofs.'

' The Persons were the Lord Chancellor of Eng- And against the
land, and Dr. *Field*, Lord Bishop of *Landaff*. Bishop of Landaff
The incomparable good Parts of the Lord Chan- on the same Ac-
cellor were highly commended; the Place he holds count.
magnified, from whence Bounty, Justice, and Mercy
were

An. 18 James I. 1620. were to be distributed to the Subjects, with which he was solely intrusted; whither all good Causes were drawn, and from whence no Appeal lay for any Injustice or Wrong done, save to the Parliament. That the Lord Chancellor is accused of Bribery and Corruption, committed by him in this his eminent Place; of which two Cases were alledged, the one concerning *Christopher Aubrey*, the other, *Edward Egerton*. In the Cause between this *Aubrey* and *Sir William Brounker*, *Aubrey* fearing some hard Measure, was advised to give the Chancellor 100*l.* which he delivered to his Counsel, *Sir George Hastings*, and he to the Lord Chancellor.

‘ The Proceedings in this Business going on yet, but slowly, *Aubrey* wrote several Letters, and delivered them to the Lord Chancellor; but could never get any Answer from him, till, at last, delivering another Letter to him, the Chancellor told him, That, if he importun’d him again, he would lay him by the Heels. The Proofs of this Accusation are five.’

‘ 1. *Sir George Hastings* related it long since to *Sir George Montague*.’

‘ 2. The Lord Chancellor fearing this would be complained of, desired Silence of *Sir George Hastings*.’

‘ 3. *Sir George Hastings’s* Testimony thereof; which was not voluntary, but urged.

‘ 4. The Lord Chancellor desired *Sir George Hastings* to bring the Party, *Aubrey*, unto him, and promised Redress for the Wrongs done to him.’

‘ 5. That the Lord Chancellor said unto *Sir George Hastings*, if he would affirm the giving this 100*l.* his Lordship would, and must deny it upon his Honour.’

The Case of *Edward Egerton*, was this: There being a Suit depending in Chancery, between the said *Edward* and *Sir Rowland Egerton*, the former presented his Lordship, a little after he was made Lord Keeper, with a Basen and Ewer of 50*l.* and above; and afterwards he delivered to *Sir George*

George Hastings and Sir *Richard Young*, 400 *l.* in Gold, to be presented to the Chancellor. Sir *Richard Young* presented it; and his Lordship took and poised it; and said it was too much, and returned Answer, 'That Mr. *Egerton* had not only enriched him, but had laid a Tye upon his Lordship to do him Favour in all his just Causes.'

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'The Proofs are the Testimony of Sir *George Hastings*, and one *Merefill*, a Scrivener, thus far, That he took up 700 *l.* for Mr. *Egerton*; who then told him that a great Part of it was to be given to the Lord Chancellor; and that Mr. *Egerton* afterwards told him that the 400 *l.* in Gold was, accordingly, given to the Lord Chancellor.'

'At this Conference was further declared, That a Bishop's Character was touched in this Affair; whose Function the Commons much honoured, tho' his Person was somewhat tainted therein. The Affair was thus:

'The Business depending being given against Mr. *Egerton*, he procured a new Reference thereof from the King to the Lord Chancellor: His Lordship first demanded the Parties to be bound, in 6000 Marks, to stand to his Award. Having entered both into Bond for that Purpose, the Chancellor awarded the Matter against *Edward Egerton*, for Sir *Rowland Egerton*. The former refused to stand to the said Award, and a new Bill was exhibited in Chancery. Hereupon his Lordship ordered, that the Bond of 6000 Marks should be assigned unto Sir *Rowland Egerton*; and he put the same in Suit in his Lordship's Name. The Bishop of *Landaff*, as a Friend unto *Edward Egerton*, adviseth with *Randolph Davenport*, and one *Butler*, who is since dead, to endeavour to procure a Stay of the Decree upon that Award, and a new Hearing. It was agreed, that 6000 *l.* should be given for this by Mr. *Egerton*, to be shared amongst them and certain honourable Persons; and a Recognizance of 10,000 *l.* was required by the Bishop from Mr. *Egerton*, for Performance thereof. The Bishop's Share of this 6000 *l.* was to have been so great as

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no Court of Justice would allow. The Commons produced Letters of the Bishop's, naming the Sum, and setting down a Course how this 6000*l.* was to be raised, viz. The Land in Question to be decreed to Mr. *Egerton*, and out of that the Money to be levied; and, if this Matter was not effected, then the Bishop promised, *in Verbo Sacerdotis*, to deliver up the Recognizance to be cancell'd. The Recognizance was seal'd, and *Randolph Davenport* rides to Court, and moved the Lord-Admiral for his Letter to the Chancellor herein; but his Lordship denied to meddle in a Cause depending in Suit. Then the said *Davenport* essayed to get the King's Letter; but failed in that also: So that the Good they intended for Mr. *Egerton*, was not effected; and yet the Bishop, tho' required, refused to deliver up the said Recognizance, until Mr. *Egerton* threatened to complain thereof to the King.

The Treasurer also declared, ' That the Commons do purpose, if any more of this Kind should happen to be complained of before them, that they will present the same to the Lords: Wherein they shall follow ancient Precedents, which shew, That great Personages have been accused for the like Crimes in Parliament. Lastly, They humbly desired, That so farasmuch as this concerns a Person of so great Eminency, it may not depend long before their Lordships. That the Examination of the Proofs may be expedited; and, if he be found guilty, then to be punished; if not, the Accuser to suffer the same.'

This Report being ended, the Lord-Admiral stood up, and acquainted the Lords, ' That he had been twice with the Lord Chancellor to visit him, being sent by the King. The first Time, he found his Lordship very sick and heavy; the second Time, he found him better, and much comforted, because he had heard that the Complaint of the Commons against him for Grievances was come into this House, where he assured himself to find honourable Justice. In Confidence whereof, his Lordship

Lordship had written a Letter to the House ; which Letter the Lord-Admiral presented to be read, as follows :

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To the Right Honourable, his very good Lords,
the Lords Spiritual and Temporal, in the Upper
House of Parliamant assembled,

My very good Lords,

I Humbly pray your Lordships all to make a favourable and good Construction of my Absence ; it is no Feigning nor Fainting, but Sickness both of my Heart and of my Back, though joined with that Comfort of Mind, that persuadeth me that I am not far from Heaven, whereof I feel the first Fruits : And, because, whether I live or die, I should be glad to preserve my Honour and Fame, as far as I am worthy, hearing that some Complaints of base Bribery are come before your Lordships, my Requests unto your Lordships are,

The Lord Chan-
cellor's Letter to
the Lords.

First, That you will maintain me in your good Opinion, without Prejudice, until my Cause be heard.

Secondly, That in regard I have sequestered my Mind at this Time, in great Part off from worldly Matters, thinking of my Account and Answer in a higher Court ; your Lordships would give me some convenient Time, according to the Course of other Courts, to advise with my Counsel, and to make my Answer ; wherein, nevertheless, my Counsel's Part will be the least. For I shall not, by the Grace of God, trick up my Innocency with Cavillations ; but plainly and ingenuously, as your Lordships know my Manner is, declare what I know or remember.

Thirdly, That, according to the Course of Justice, I may be allowed to except to the Witnesses brought against me, and to move Questions to your Lordships of their cross Examinations, and likewise to produce my own Witnesses for Discovery of the Truth.

Lastly, If there come any more Petitions of that Nature, that your Lordships would be pleased not to take any Prejudice or Apprehension of any Number or

Z 2

Mustler

An. 18 James I. 1620. *Must* of them, especially, against a Judge that makes two hundred Decrees and Orders in a Year; (not to speak of the Courses that have been taken for hunting out Complaints against me) but that I may answer them according to the Rules of Justice, severally and respectively. These Requests, I hope appear to your Lordships, no other than just; and so, thinking myself happy to have so Noble Peers and Reverend Prelates to discern of my Cause, and desiring no Privilege of Greatness for Subterfuge of Guiltiness; but meaning, as I said, to deal fairly and plainly with your Lordships, and to put myself upon your Honours and Favours; I pray God to bless your Counsels and Persons. And so I rest,

19 March, } Your Lordships humble Servant,
1620. } *Fr. St. Alban, Cant.*

The Bishop of
Landaff's De-
fence.

The Clerk having read this Letter, the Lord Bishop of Landaff was admitted to speak in his own Defence, on the Accusation of Brocage, in a Bribe intended to the Lord Chancellor, in Mr. Egerton's Cause. The said Bishop declared his great Grief, 'That he remained accused, arraigned, condemned, and executed, *indictâ Causâ*. For, although he should, as he doubted not to do, clear himself, yet the Scandal would not die. He said that the Party who accused him was the Party grieved; a Man weak and mad with Affliction; and as for the Action, whereof he was accused, he was but made Use of in it. He was requested, first by Francis Jenour, but refused; then by Tristram Woodward, and then he, also, denied it; at last the Party himself requested him, at whose Tears he yielded thus far, That the Party, viz. Edward Egerton, might acknowledge unto him a Recognizance of 6000*l.* it was, only, acknowledged, not enrolled, nor intended to be enrolled; he was only trusted with it for Mr. Egerton's Good; Davenport and others were to be the Actors. That he discharged his Trust accordingly, tho' Davenport and others importuned him to the contrary. His Aims in this Action were two; the one Charity, to do Mr. Egerton Good,

Good ; the other to prefer a beneficial Suit to an An. 18 James I.
honourable Friend to whom he ow'd his very Life. 1620.

If he had an Eye to some private Gain to himself, having a Wife and Children, he had therein sinned against God, in not relying wholly on him for their Maintenance ; but not Share in the Sum of this 6000 *l.* was ever purposed unto him, and upon strict Examination of his Conscience therein, he protested, before God, in whose Sight he stood, and before this honourable Assembly, *qui estis Dei, inquit*, That he was not to have had one *Denier* of Share therein.'

When the Bishop had ended his Defence, the Lord Chamberlain moved, That for the better Consideration of this Business, and how to proceed to the Proofs, the Court may be adjourned, *ad placitum*, and the whole House sit as a Committee ; whereupon, the Lord Chief Justice removed to his Place, as an Assistant.

After much Debate thereof, the Chief Justice returned to his Seat, as Speaker ; and it was agreed, that a Message should be sent to the House of Commons, declaring, ' That the Lords, according to the Conference Yesterday, have taken Consideration of the Complaint by them made against the Lord Chancellor, and against the Lord Bishop of *Landaff*. That they find the Commons have made Use of three Letters, wrote by the said Lord Bishop of *Landaff*, and of other Writings, mentioned by them in the said Complaint ; also the Testimony of two Gentlemen, Members of that House, Sir *George Hastings* and Sir *Richard Young* ; in taking whose Testimony, the Lords intend not to touch the Privileges of their House, but to have it as from private Persons, and not as Members of Parliament. Lastly, That the Lords may, also, with the like Respect, desire the Testimony of any others, though Members of that House, if Cause shall require, upon the Examination of the Abuses complained of.' *Answer.* ' That the said two Gentlemen, Sir *George Hastings* and Sir *Richard Young* will voluntarily, and not by Commandment

Proceedings in
consequence
thereof.

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or Direction of their House, attend their Lordships; and that all Letters required shall be sent accordingly. As for the general Request, That the Lords may send for any other Member of that House to be examined; herein they humbly pray, that they may advise thereof (u).'

During the Time that the whole House sat as a Committee, as aforesaid, it was debated and agreed to, that the Parties undernamed should be also sent for, to be sworn and examined in this Business.

<i>Christopher Aubrey,</i>		<i>Ralph Merefill,</i>
<i>Edward Egerton,</i>		<i>Tristram Woodward,</i>
<i>Francis Jenour,</i>		<i>Randolph Davenport.</i>

It was also moved and much debated, Whether Sir William Bronker and Sir Rowland Egerton, the two Adversaries of *Christopher Aubrey* and *Edward Egerton*, should be sent for to be examined, whether they gave any Bribe on their Part.

Moved by the Earl of *Southampton* and agreed, That an Answer should be sent to my Lord Chancellor's Letter; whereupon a Message was sent to him to this Effect: 'That the Lords received his Letter, delivered unto them by the Lord-Admiral. They intended to proceed in his Cause, now before them, according to the right Rule of Justice; and they should be glad if his Lordship shall clear his Honour therein. To which End they pray him to provide for his Defence.'

An Answer sent
to the Lord
Chancellor's
Letter:

Moved by the Earl of *Suffolk*, and much debated, touching the Precedency and Equality of the two Universities, when much was alledged, for the Right of Precedency, in each of them; but the Earl of *Suffolk* desired only an Equality between them; which was ordered to be put to the Question To-morrow, after the *Subsidy* Bill was read. Adjourned to Two in the Afternoon.

His Reply.

March 20, post Meridiem. An Answer was brought from the Lord Chancellor to the Message of the Lords, 'That he returned them humble Thanks for their Assurance of Justice in his Cause, and

(u) See the Conclusion of this Matter about the Bishop, in the Proceedings of the Lords, under May the 30th of this Session;

and Well-Wishes to him of Success. The one secures, the other comforts him. That he intends to put their Lordships in mind, hereafter, of some Points contained in his Letter; for that the same were not spoken of in the Message delivered unto him.

Sir George Hastings and Sir Richard Young, jurat.

A Voix dire to all Questions, asked by the Court, or Committee, or by any authorized by the Court, whether their Answers be by Word, or set down in Writing.

The Bill for the Grant of two entire *Subsidies* Subsidy-Bill by the Temporality, and three from the Clergy, passed. was passed and confirmed.

Several Witnesses sworn, in the Cause of Grievances on the Patent for Gold and Silver-Thread. Edward Egerton was also sworn, **A Voix dire**, &c. after which he delivered a Petition touching the Proceedings in his Cause in Chancery; *cujus quidem Tenor sequitur in hæc Verba.*

To the Right Honourable the Lords Spiritual and Temporal in the present Parliament assembled.

The humble Petition of EDWARD EGERTON, Esq;

Humbly sheweth,

THAT your Petitioner being unmarried, and sick-ly, by Indentures of Uses, and other Conveyances, entail'd divers Manors and Lands, in the Counties of Chester and Stafford, to the Use of your Petitioner, and to the Heirs Male of his Body; and for Default of such Issue, to remain to Sir John Egerton, and his Heirs; which said Conveyances were voluntary, without any Consideration for the same, and with Power of Revocation.

That Sir John Egerton having by Deed, executed in his Life-time, conveyed all his own Lands unto Rowland Egerton, his Son and Heir; and having advanced in Marriage all his Daughters, did make his last Will and Testament in Writing, under his Hand and Seal, having first bound the said Row-

Mr. Egerton's
Petition against
the Lord Chan-
cellor.

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land, in a Security of 5000*l.* to perform his said Will.

That the said Sir John, by his last Will, in general Words, devised all his Lordships Manors, Lands, Tenements, and Hereditaments, to your Petitioner and his Heirs, and made your Petitioner sole Executor. By which said Will all the Estate of the said Sir John, in any Part of your Petitioner's Lands, (if he had any Estate therein, as indeed he had not) was lawfully devised to your Petitioner, and his Heirs.

*That the said Sir Rowland Egerton, unduly obtained of Sir John Bennet, Knt. Letters of Administration, to be granted to two of his Sisters, after the said Will was exhibited to be proved; whereby your Petitioner was put to 2000*l.* Charge in Suits of Law.*

That Sir Rowland Egerton hath also, by indirect Means, got into his Hands the said Indenture of Uses, and all your Petitioner's other Writings and Evidences, and refuseth to let him see the said Indentures of Uses, or to deliver to your Petitioner a true Copy thereof, albeit, in Law, the same doth belong to your Petitioner.

*That the Lord Ellesmere, late Lord Chancellor of England, before the Probate of the said Will, did decree, That the said Sir Rowland should have and enjoy the Manors of Urin-Hill and Heywood-Barnes, being a great Part of your Petitioner's Inheritance, worth 600*l.* per Annum, with any Cause of Equity contained in the said Decree.*

*That your Petitioner made humble Suit unto the Right Honourable Francis Viscount St. Alban, now Lord Chancellor of England, to have the Benefit of a Subject to recover his ancient Inheritance by ordinary Course of Law: That the present Chancellor took from your Petitioner 400*l.* in Gold, and 52*l.* 10*s.* in Silver Plate; which Money was accepted from your Petitioner, by the Chancellor, saying, Your Petitioner did not only enrich him, but also laid a Tye upon him to do your Petitioner Justice in his rightful Cause: That afterwards the said Lord Chancellor sent for your Petitioner, and did, by great*

great Oaths and Protestations, draw your Petitioner An. 18 James I. 1620. to seal an Obligation to his Lordship of 10,000 Marks, to stand to his Lordship's Award for all the Lands whereof Sir John Egerton died seized on; but not for any other of your Petitioner's Land.

That afterwards your Petitioner was, divers Times, sent for by Thomas Sharpeigh, then Steward of his Lordship's House; and your Petitioner was several Times offered, That if he would presently pay 1100 l. in ready Money; that is to say, 1000 l. for his Lordship, and 100 l. for the said Sharpeigh, that then your Petitioner would have all his Lands decreed unto him; which your Petitioner could not then presently pay in ready Money.

That afterwards the Lord Chancellor did not only confirm unto the said Sir Rowland, the Lands which he then held of your Petitioner's Inheritance, being worth 600 l. per Annum, but he did also take away from your Petitioner more Lands, worth 15,000 l. and decreed the same unto the said Sir Rowland Egerton, who did not make any Title thereunto before the said Bond was taken, or the Decree made. Likewise the Lord Chancellor did decree, That the said Bond of 10,000 Marks, made by your Petitioner to the said Lord Chancellor in his own Name, should be set over and delivered to the said Sir Rowland Egerton, who should sue for the same in the Lord Chancellor's Name, and recover on it to his own Use.

The Lord Chancellor did further decree, That your Petitioner shall not take the Benefit of the Statute of 5000 l. made by the said Sir Rowland, to perform the Will; and your Petitioner is restrained, by the said Decree, from the Benefit of a Subject to recover his Right, by the ordinary Course of Common Law, without any Cause of Equity set forth in the said Decree.

That your Petitioner having spent 6000 l. in Suit at Law, and being deprived of all his said Evidences, being utterly impoverished by the evil Dealing of the said Lord Chancellor, and by the indirect Practices of the said Sir Rowland, is likely to be defrauded of all his ancient Inheritance, contrary to the common Justice

An. 18 James I. 1620. *tice of the Land, except he be relieved herein by this high Court of Parliament.*

Your Petitioner humbly prayeth, that the said Sir Rowland Egerton may be ordered to produce and bring forth, upon Oath, all such Indentures of Uses, Writings, and Evidences, as he hath, or any other hath to his Use, concerning your Petitioner's said Lands, and whereby he claimeth any Estate in the Lands, to the End your Honours may judge thereof, and do therein further, as, to your Wisdoms, shall seem to stand with Justice.

After this Petition was read, Mr. Egerton affirmed upon his Oath, that the Contents of it were true; and he was afterwards examined further in open Court. Robert Sharpeigh, Esq; Randolph Davenport, and Christopher Aubrey, were also sworn and examined.

March 21. At the Request of Mr. Egerton, three more Witnesses were sworn and examined in his Cause: And many more Witnesses offering themselves to be sworn, in the Cause against the Lord Chancellor, three several Committees of the Lords were appointed, with a Judge, or an eminent Counsel, to attend each, to take Examinations, in order to expedite the Cause. Special Caution was given them, that no one should be urged to accuse himself.

A Message was brought from the Lower House by Sir Thomas Edmonds, and others, 'That the Commons acknowledge, and take in good Part, the great Respect between the two Houses in all Causes of this Parliament. To answer which, they are well pleased, that the Lords of this Court may examine any Members of their House, who will freely offer themselves to their Lordships for that Purpose.' At the same Time he added, 'That they had sent to their Lordships a Bill against Relators, Informers, and Promoters; and, especially, commended the good Success and Expedition of it; because they did conceive it would give great Content

tent to the Country.' Which Bill was read a first Time, notwithstanding the Order of the House of the 15th Instant.—*Francis Joyner, Ralph Mersell, and John Churchill*, were sworn, as Witnesses in the Chancellor's Cause.

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March 21, *post Meridiem*. Henry Elsing was sworn in Clerk of the Parliament, and the Form of the Oath is given in the *Journal*. Sixteen more Witnesses, there named, were also sworn against the Chancellor; and as the Examination of all these Witnesses would take much Time, it was agreed that the Committees should transmit the Names of the principal of them, and the Heads on which they were to be asked: The Examinations to be taken in open Court.

The Form of the OATH agreed on.

YOU shall swear that you shall true Answer make to all such Questions and Interrogatories as shall be mentioned unto you by this High Court, or by the Lords of the Committees, or by any Person, or Persons, authorized by this High Court. You shall say the Truth, the whole Truth, and nothing but the Truth; and you shall not spare to do so, neither for Fear, Favour, or Affection, or any other Cause whatsoever, whether your Depositions be in Writing, or by Word of Mouth. So help you God, and the Contents of this Book.

Oath of the Witnesses in the Lord Chancellor's Cause,

INTERROGATORIES to be ministred to them that shall be sent to be examined in open Court.

1. **W**HETHER they, by themselves, or any other Person, have given Money, or any other Gratuity, to the Lord Chancellor, or to any Servants, Friends, or Followers of his?

And Interrogatories.

2. Whether they have advised or directed any to do so, or know of any other that hath so done?

3. Whether they, or the Parties which they advised so to do, or have heard so to have done, had then any Cause or Suit depending before him, or intended to have any.

4. Whether

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4. Whether they have intended, attempted, or known others that have attempted, or contracted for any Gratuity to be given, tho' not performed?

Sir *George Reyuel* delivered, in Writing, his Account of the Bribes given by him, to the Lord Chancellor; which he also confirmed by Oath.

Further Examinations of Witnesses.

Ordered, That no Witnesses be examined as to what they received themselves; but only what Bribes were given to the Chancellor. Several other Witnesses were examined, and their Depositions taken, in Writing, on Oath.

March 22. Thirteen more Witnesses sworn in the Chancellor's Cause; after which the Lord Chief Justice related a Message, delivered Yesterday by Sir *Robert Philips*, and others; which consisted, he said, of two Points, the one Matter of Respect, the other of Substance.

'In the first they acknowledged the good Correspondence between both Houses, especially in the Examination of the Grievances complained of, and presented to the Lords; with humble Thanks for the Support the Lords added to their Labours, in giving the Oath to the Examinants; which they could not do. They humbly desire to know the Time of the Recess of this Parliament, and of the Access again, that they may depart accordingly, and meet at the same Time with their Lordships.'

The second Thing being Matter of Substance, consisted of four Points against the Lord Chancellor.

'The first, a Suit in Chancery, being between the Lady *Wharton*, Plaintiff, and *Wood*, with others, Defendants, upon Cross-Bills. The Chancellor, upon Hearing, wholly dismissed them; but, upon the Entry of the Order, the Cross-Bill against the Lady *Wharton* was only dismissed; 2nd, afterwards, for a Bribe of 300*l.* given by the Lady *Wharton* to the Lord Chancellor, his Lordship decreed the Cause for her; and then hearing that *Wood*, and the other Defendants, complained thereof to the Commons, his Lordship sent for them, and damned that

that Decree as unduly gotten ; and when the Lady *Wharton* began to complain thereof, his Lordship sent for her also, and promised her Redress, and said, That the Decree was not yet enter'd.

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‘ In a Suit, between one *Hull*, Plaintiff, and *Holman*, Defendant ; *Holman*, deferring his Answer, was committed to the *Fleet*, where he lay twenty Weeks ; and, petitioning to be delivered, was answered by some about my Lord Chancellor, That the Bill should be decreed against him, *pro Confesso*, unless he would enter into 2000*l.* Bond to stand to the Lord Chancellor’s Order ; which he refusing, his Liberty cost him, one Way or other, better than 1000*l.* *Holman* being freed out of the *Fleet*, *Hull* petitioned the Lord Chancellor ; and *Holman*, finding his Cause to go hard on his Side, complained to the Commons : Whereupon the Lord Chancellor sent for him, and, to pacify him, told him he should have what Order he pleased himself.’

‘ In another Cause between *Smithwick* and *Wyche*, the Matter in question being for Accounts, the Merchants, to whom it was referred, certified on the Behalf of *Smithwick* ; yet *Smithwick*, to obtain a Decree, was told by one Mr. *Burrough*, one near the Lord Chancellor, that it must cost him 200*l.* which Sum he paid to Mr. *Burrough*, or Mr. *Hunt*, for the Use of the Lord Chancellor, and yet he decreed but one Part of the Certificate ; whereupon he treats again with Mr. *Burrough*, who demanded another 100*l.* which *Smithwick* also paid for the Use of the Lord Chancellor. Then his Lordship referred the Accounts again to the same Merchants, who certified again for *Smithwick* ; yet his Lordship decreed the second Part of the Certificate against *Smithwick* ; and the first Part, which was formerly decreed for him, his Lordship made doubtful. *Smithwick* petitioned the Chancellor for his Money again, and had it all, save 20*l.* kept back by *Hunt* for a Year.’

The Lord Chief Justice delivered also three Petitions to their Lordships, received Yesterday from the Commons ; the first from the Lady *Wharton*, the

An. 12 James I. the sixth from *Wood*, and others, and the third from 1620. *Smithwick*.

The fourth Part of the Message consisted only of Instructions, delivered to the Commons by one *Charcill*, a Register, containing divers Bribes and Abuses in Chancery; which they desire may be examined.

Four more Witnesses delivered into the Lords their Depositions, on Oath, against the Chancellor, in Writing, and signed by their own Hands. One of which, *William Peacock's*, being observed not so full as Yesterday, he was asked, if he had spoke with some of the Lord Chancellor's Servants since that Time; which he own'd he had: Upon which he was ordered to write his Deposition over again, and add the Substance of that Conference.

It was now that the Proceedings against the Chancellor met with some Stop, by the Lords, in the several Committees appointed to enquire into the other Grievances complained of by the Commons, bringing in the Accounts of their Progress in them. The Lord Chamberlain, one of the Committee appointed to enquire into the Grievances of the Patent concerning *Inns* and *Hofstetries*, reported,

Report from the Committee on Grievances.

That in the said Patent were three Things considerable: First, The Legality of it granted to *Mompesson*; but in that the Committee had no Power to judge. Next, The Inconvenience. Lastly, The Abuses in the Execution. That the Inconvenience appeared in the Patent, where the Judges are made subject to a base Fine of five Shillings; and, in the Execution, because that Sir *Giles Mompesson* affronted the Justices of the Peace, and threatened several of them with the Council-Table. And, because there were Certificates sent him, from Time to Time, of those Ale-House Keepers, who were suppressed for ill Behaviour, he made this Use of it, to make them Innkeepers. That he granted Licences to divers base Fellows to keep Inns; and sued out Processes against

against 4000, for keeping Inns without Licence, An. 18 James 1.
and for the Price of Horse-Meat, of which he only
tried two Suits. Lastly, His Lordship delivered a
Collection of the several Abuses and the Proofs of
them.

The Earl of *Arundele* reported, That the Consideration of the Grievances by the Patents of *sole Manufacturing Gold and Silver-Thread*, complained of, being committed to his Lordship and other Lords joined with him in Committee, ' That they had often met, the Business being attended with great Difficulty, and consisted of many Particulars. That they had examined many Witnesses, and more were produced who were fit to be examined, if the Time of Recess were not so near at Hand. The Lords Committees have thought good to present to the House these Proofs they have made, not to delay the Time; but their Lordships were not to be excluded from giving further Proofs hereafter.'

' His Lordship observed, That the Committee dealt, chiefly, with the Execution, not with the Legality of these Patents. They found in the Execution thereof, That the Authority given by these Patents, which ought to have been rarely used, was used by them familiarly, to the undoing of Thousands. That the Warrants dormant, to seize and imprison, &c. exceed all Kinds of Warrants; of which there are three, and one of them is without Date and razed; and the other hath a Date by a new Hand. That Sir *Giles Mompesson* committed divers to Prison, without Examination, which they could not do by that Warrant. Several were threatned with Imprisonment. That one *Fowles* did lock up divers in their own House. That several Houses were violently broke up and the Parties Goods seized. That others were compelled to enter into Bonds, not to exercise their own Trade and to stand to their Orders; and to make Oath what Quantity of Gold and Silver-Thread they sold, and to whom. That Sir *Giles* confessed divers of these Wrongs, and made Restitution

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tution unto many. That this Work of Gold and Silver-Thread was much sophisticated, since the Grant of the sole Manufacture thereof.

His Lordship further declared, That the Lords Committees urged none to accuse himself, and admonished every Man not to accuse another out of Passion. He desired, That though Sir *Giles Mompeffon* be fled, yet that *Fowles* and other Delinquents may be heard here, what they can say in their own Defence.

The Earl of *Southampton*, one of the Committee to consider of the Grievances complained of for *Concealments*, reported to the House, 'That they find his Majesty to be much abused in the Pretence and Execution of this Grant.' They find that Sir *Giles Mompeffon* obtained a Commission to himself, to call all Officers before him; by Virtue whereof he fetched up, from all Parts, the King's Officers, and kept them here to fill his Book, granted unto him of 200*l. per Annum*, on concealed Lands, in Recompence of his Service. The Proceedings, Warrants, and the Abuses in the Execution, are all set down in the Declaration, delivered by the Commons. Their Lordships Labour was to look into these Informations, wherein they desired the Help of divers Gentlemen of the Lower House; who, not as Members of that House, but as private Gentlemen and Friends, gave their Lordships full Satisfaction therein. In this Search, they found Proofs of every Point, set down in the said Declaration; and, for their more full Satisfaction, they reviewed the Records themselves, wherein they found some Proceedings, not mentioned in the Declaration, and not warranted by any Commission.. *Viz.*

'Process used by *George Geldard*, Sir *Giles Mompeffon's* Agent, in the King's Attorney's Name; the said *Geldard* confessing to one and but one.'

'Sir *Giles Mompeffon* used *Geldard* and his Man as his Agents; *Geldard* to be Commissioner, and *Geldard's* Man to be his Clerk.'

'Their

‘ Their Lordships found likewise, That *Geldard*’s Man gave the Evidence to the Jury, and, though the Jury found an imperfect Verdict, yet *Geldard* proceeded as upon a perfect one.’

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‘ That *Geldard* compounded with divers who were questioned for their Lands, as concealed, and employed those Parties, as Commissioners, for their own Compositions.’

‘ That they set down in their Book an Advowson and a Rectory at Four-pence *per Annum*; and Lands, called *Pease Marsh*, at ten Shillings a Year; which was affirmed by Sir *George Moore*, the Tenant to it, to contain 700 Acres, and to be better worth than 300*l.* a Year.’

‘ That there was no Time limited to Sir *Giles Mompeffon* to fill up his Book; whereby, his vexing the Subject, to fill the same, might continue seven Years.’

‘ Lastly, Their Lordships conceived, That as his Majesty had been abused in the Grant and in the Execution of it, so he should also have been in the End.’

After this last Report was ended, the Lord-Admiral, *Buckingham*, stood up and moved the House, ‘ That Care might be taken, hereafter, that the Sophistication of the Manufacture of Gold and Silver-Thread be prohibited; and none be permitted to work thereon, to waste and consume the Bullion of the Land. He commended the Trade that set so many Thousands on Work; and, if Order was first taken for bringing in Bullion, and against the Sophistication, it might be gainful both to the King and Common-Wealth; and to new Patentees, if another Patent thereof should be thought fit.’

Marquis of Buckingham’s Speech on that Occasion.

His Lordship shewed further, ‘ That the Motive for the Grant of *Concealments* was, That Sir *Giles Mompeffon* offered his Service, to consider how the Multitude of Officers in the Exchequer might be cut off. In which his Majesty first asked the Opinion of the Judges; and his Majesty’s Pleasure was not to prejudice any Officer, during his Life,

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AN. 18 James I. 1620. but to provide for the future; which was, and yet is, his Majesty's Resolution to do; in Consideration whereof, this Patent of *Concealments* was first granted to the said Sir *Giles*. It was ill foreseen, that a Man of his corrupt Disposition should be admitted to view the Records, which he might embezzle, blot, or raze out for his own Profit; but, at that Time, Sir *Giles* had the Reputation of an honest Man.

‘ That Sir *Giles* had abused this Grant many Ways, but, as yet nothing was past under Seal. That the Abuse, partly, grew out of this, That Sir *Giles* had compounded with one *Geldard* for the same, who, to make his best Commodity thereof, put into the Book Matters of great Value at small Rates; which, when his Lordship heard of, he rebuked Sir *Giles* and willed him to look to it, and not to suffer any thing to be past but what the Chancellor of the Exchequer should first allow of. That, thereupon, the said Sir *Giles*, in the Hearing of his Lordship, delivered his Book to Mr. Chancellor to be viewed. and whatsoever he thought good to be put out. Lastly, Though much was intended to the Prejudice of his Majesty and the Subject, yet nothing was past.’

When the Minister had ended his Speech, a Motion was made and agreed to, ‘ That, altho’ the Proofs given before the Lords against Sir *Giles Mompeffon* and others his Agents, for their Misdemeanors, were good and manifold, yet, their Lordships will hear the Parties themselves what they can say in their own Defence. But, because *Easter* is drawing on, and the Time of Recess very near, in which short Space all the Delinquents cannot be heard and proceeded against; it was further agreed, That a Collection be made of all the Proofs, concerning Sir *Giles Mompeffon* only; which being read to the House, the Lords would proceed to sentence Sir *Giles Mompeffon*, tho’ absent; for that his Flight is an Eviſion in Law: And for that the Expectation thereof is great as well as the Grievance, therefore the Proceedings should be with Expedition,

dition, that the whole Kingdom might hear of the *Punishment* imposed upon *Delinquents*, by this Parliament, as well as of the granted *Subsidies*. An. 18 James I.
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A Debate arising, in what Manner to proceed *Debate thereon*, against the said Sir *Giles*, whether by Indictment in that House, or otherwise? And there being some Confusion amongst the Speakers, the Prince of *Wales*, who constantly attended this Business Morning and Afternoon, made a Motion, 'That by the ancient Orders of the House, no Lord was to speak twice, though to explain himself, except some other Lord mistake his Meaning in any Part of his Speech.' This was commanded to be entered, and ordered to be observed.

On a Motion of the Earl of *Arundele*, the House was adjourned, *ad Libitum*, and the Lord Chief Justice left his Seat, as Lord Chancellor. Then it was debated, What Course should be taken with *Matthias Fowlis*, *George Geldard*, and other *Delinquents*, committed by 'the Lower House, and sent by them to be examined by the Lords; and many foul Abuses proved against them. Likewise concerning Sir *Francis Mitchell*, whom the Lower House had first committed for a Contempt against them, and is also found guilty of many great Misdemeanors, relating to the Patent of Gold and Silver-Thread. But nothing was then resolved on; and the Chief Justice returning to his Seat, as Chancellor, a Message was sent from the Lords to the Lower House, to desire they would please to present themselves this Afternoon, with their Speaker, to hear his Majesty's Commission read for the Royal Assent to the two *Subsidy* Bills: Also, to acquaint them, that the Lords had agreed the Recess from Parliament, this Time, to be on *Tuesday* next; but that the Lords do leave the Time for Access again, to the Consideration of the Commons: And further, to let them know that the Lords are very careful to expedite the Bill against *Promoters*, which was so earnestly commended unto them. Which Bill had been once read, but, be-

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cause the Time of the Recess is so near, their Lordships intend to spend this Interval in proceeding to sentence Sir *Giles Mompesson* only. Lastly, Their Lordships desire a Conference with them, about the safe Keeping or Bailing of *Matthias Fowlis*, *George Geldard*, and other Delinquents, committed by them of that House; and that they come prepared to give their Lordships Satisfaction therein.' Answer returned, 'That the Commons agreed to all these Propositions of the Lords; would come prepared for the Conference that Afternoon; and give them an Answer to every Thing.'

March 22, post Meridiem. The Speaker of the House of Commons being sent for in and come to the Bar, the Lord Chief Justice delivered to the Clerk the King's Commission, signed by his Majesty, and under the Great Seal, with the two Acts of *Subsidies* annexed to it. Which Commission, in the usual Form, (and therefore omitted) being read, the Commons withdrew.

The Lords being to meet the other House in the *Painted-Chamber*, the Earl of *Dorset* acquainted their Lordships, 'That he was informed by several Gentlemen of the Commons, that the Message sent them in the Morning, was wholly mistaken in the Delivery of it. On which another Message was sent to the same Purport, by other Messengers, in order to explain the former.'

On the Return from the Conference, the Lord Treasurer made the Report of it to the Lords, 'That the Commons render their Lordships humble Thanks, for their honourable and respectful Entertainment; with hearty Thanks to Almighty God for the great and good Unity between the two Houses.'

'That whereas their Lordships had left the Time of Access again to Parliament, to be resolved on by them; they, upon serious Deliberation, have agreed the same to be on the 17th of *April* next.'

'That they refer unto their Lordships the Bailment or Commitment of *Matthias Fowlis*, *Geldard*,

Remarkable
Unanimity of
both Houses,

dard, and other Prisoners, by them transmitted to their Lordships. But their Opinion is, if it may so stand with their Lordships Pleasure, That a Goal is the best Bail for them. And, as for Sir *Francis Mitchell*, though he be by them committed Prisoner to the *Tower*, yet, he is left to their Lordships Determination.

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After some Debate on what should be done with those Prisoners, it was ordered, That *Fowlis* and *Geldard* should be committed close Prisoners to the *Fleet*; with a special Charge to the Warden for their safe Custody: And a Warrant was made out by the Clerk of Parliament accordingly.

The Lord Treasurer put the Lords in Mind of the Motion made by the Lord Admiral this Morning, For some Order to be taken to prevent the Sophistication of Gold and Silver-Thread, and the Waste of Bullion. Agreed, That the Attorney-General do draw up a Form of a Proclamation for that Purpose; to present the same to the House, and, upon Approbation, to be laid before his Majesty.

Upon a Motion of the Lord *Houghton*, 'For Precedents to be searched for and produced, touching Judicature, Accusations, and Judgments, anciently used in this High Court of Parliament:' It was order'd, 'That a Committee, of a small Number, should presently take Care for the Search thereof amongst the Records, remaining in the *Tower*, or elsewhere, and Copies of the same certified under the Officers Hands.' The Earls of *Huntingdon*, *Warwick*, and the Lord *Houghton* were appointed for that Purpose.—Five more Witnesses, with the Lady *Wharton*, sworn in the Cause against the Lord Chancellor.

A Committee of Lords touching Precedents of Judicature, &c.

March 23. Upon a Motion of the Earl of *Suffolk* and others, it was ordered, 'That some of the Lords be appointed to cause Precedents to be searched, and Proofs to be produced, concerning the Precedency and Antiquity of the two Universities of this Kingdom; and the same to be presented to the House at the next Access of Parliament.'

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Further Proceed-
ings in the Lord
Chancellor's
Cause.

It was agreed also, ' That the two former Committees, or any two Lords of either of the said Committees, be appointed to examine Witnesses, in the Chancellor's Cause, from Time to Time, between the Recess and Access of Parliament.— Some more Witnesses sworn and examined against the Lord Chancellor.'

Post Meridiem, *Edward Egerton*, Esq; presented a Petition, praying, ' That *Sir Rowland Egerton* be ordered forthwith to produce, upon Oath, certain Indentures and Writings gotten unduely from the Petitioner. Upon a Motion of the Lord *Sheffield*, the said Petition was ordered to remain with the Clerk, until the Corruption and Bribery complained of, be determined; and then the Lords would take it into their Consideration.'

On a Motion of the Earl of *Arundele*, who acquainted the House, ' That the Lords Committees being ordered to examine none to accuse themselves, they had taken, only, the Declaration of *Thomas Norton*, *Gervase Unwen*, and *Anthony Berry*, touching the Patentees of Gold and Silver; it was ordered, That the said Persons should be now examined concerning *Sir Giles Mompesson* only.'

Sir Ralph Hansby being sworn in the Lord Chancellor's Cause, the Earl of *Southampton* shewed, ' That the said *Sir Ralph* being examined by his Lordship and others, concerning a Bribe of 500*l.* given by himself to the Lord Chancellor, he made a Doubt whether his Answer thereunto might not be prejudicial to his Cause; wherefore, their Lordships Resolution herein was required, Whether the said *Sir Ralph* should be urged to make his Answer or not?

After long Debate of this Matter, it was order'd, ' That the Examinations, taken in this Court, should not be, hereafter, used in any other Cause, or in any other Court. And, altho' divers of the Lords were of Opinion, That the Party's Confession of the giving of a Bribe could not be prejudicial at all to him, yet others doubted thereof, Therefore, it was put to the Question, Whether the

the said Sir *Ralph* should be examined what Gift or Reward he had given to the Lord Chancellor, and it was agreed he should be examined in that Form only.

The Earl of *Huntington*, one of the Committee appointed to search Precedents of Sentences, &c. reported, ' That they had searched the Records, and the Earl of *Warwick* read the Heads of several Precedents, and then delivered the Notes taken out of the Records, and signed by the Officers, to be kept by the Clerk.'

The Collection of Sir *Giles Mompesson's* Offences, touching *Inns* and *Hofteries*, and the Proofs thereof, were read, with the Patent and Commission concerning the same.——Adjourned to the 26th Instant.

March 26. The King came to the House of Lords, the Peers being all in their Robes, and the Prince with his Coronet on his Head; the Earl of *Oxford*, as Lord Great-Chamberlain, bearing his white Staff, and the Earl of *Montgomery* the Sword. His Majesty, being seated on the Throne, made the following Speech to the Lords only (A)

My Lords,

THE last Time I came hither, my Errand was to inform you (as well as my Memory could serve me, of Things so long passed) of the Verity of my Proceedings, and the Cautions used by me in the passing of those Patents, which are now in Question before you; to the Effect, that they might not be abused in the Execution: And this I did by Way of Declaration. But now I am come (understanding the Time of your Censure to draw near) to express my Readiness to put in Execution (which is the Life of the

The King's
Speech to the
Lords.

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(x) This Speech is in *Rushworth*, Vol. I. p. 24, but is omitted in the Edition of King *James's* Works; as, indeed, are all his Speeches to Parliament, except Four: But for what Reason is not easy to guess. The following is taken from one (printed at *London* by *Bonham Norton* and *John Bill*, Printers to the King's Most Excellent Majesty, 1621) in the valuable Collection of Pamphlets in the Library of the late Sir *Henry Goodricke*, Bart.

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the Law) those Things, which ye are to sentence (for even the Law itself is a dead Letter without Execution) for which Office God hath appointed me in these Kingdoms. And though I assure myself, that my former Behaviour, in all the Course of my Life, hath made me well known for a just King; yet in this special Case I thought fit to express my own Intentions, out of my own Mouth, for Punishment of Things complained of. The first Proof whereof I have given by the diligent Search I caused to be made after the Person of Sir *Giles Mompesson*, who though he were fled, yet my Proclamation pursued him instantly (y): And as I was earnest in that, so will I be to see your Sentence against him put in Execution.

Two Reasons move me to be earnest in the Execution of what ye are to sentence at this Time: First, That Duty I owe to God, who hath made me a King, and tied me to the Care of Government, by that politic Marriage betwixt me and my People. For I do assure you in the Heart of an honest Man, and by the Faith of a Christian King, (which both ye and all the World know me to be) had these Things been complained of to me before the Parliament, I would have done the Office of a just King; and out of Parliament have punished them as severely, and peradventure more, than ye now intend to do.

But now that they are discovered to me in Parliament, I shall be as ready in this Way, as I should have been in the other. For (I confess I am ashamed (these Things proving so, as they are generally reported to be) that it was not my good Fortune to be the only Author of the Reformation and Punishment of them, by some ordinary Courts of Justice. Nevertheless, since these Things are now discovered by Parliament, which before I knew not of, nor could so well be discovered otherwise, in regard of that Representative

(y) See before, p. 336.

‘ sentative Body of the Kingdom, which comes An. 19 James I.
 ‘ from all Parts of the Country: I will be never 1621.
 ‘ a whit the slower to do my Part for the Execu-
 ‘ tion. For, as many of you that are here have
 ‘ heard me often say, so I will still say: So pre-
 ‘ cious unto me is the Public Good, that no pri-
 ‘ vate Person whatsoever, were he never so dear
 ‘ unto me, shall be so respected by me, by many
 ‘ Degrees, as the Public Good, not only of the whole
 ‘ Common-Wealth, but even of any particular
 ‘ Corporation that is a Member of it: And I hope
 ‘ that ye, my Lords, will do me that Right to pub-
 ‘ lish to my People this my Heart and Purpose.

‘ The second Reason is, That I intend not to
 ‘ derogate or infringe any of the Liberties or Pri-
 ‘ vileges of this House, but rather to fortify and
 ‘ strengthen them. For never any King hath
 ‘ done so much for the Nobility of *England*, as I
 ‘ have done, and will ever be ready to do. And
 ‘ whatsoever I shall now say or deliver unto you
 ‘ as my Thought, yet when I have said what I
 ‘ think, I will afterwards freely leave the Judg-
 ‘ ment wholly to your House. I know ye will
 ‘ do nothing, but what the like hath been done
 ‘ before: And I pray you be not jealous, that I
 ‘ will abridge you in any thing that hath been
 ‘ used. For whatsoever the Precedents in Times
 ‘ of good Government can warrant, I will allow.
 ‘ For I acknowledge this to be the supreme Court
 ‘ of Justice, wherein I am ever present by Repre-
 ‘ sentation. And in this ye may be the better
 ‘ satisfied by my own Presence, coming divers
 ‘ Times amongst you: Neither can I give you
 ‘ any greater Assurance, or better Pledge of this
 ‘ my Purpose, than that I have done you the
 ‘ Honour to set my only Son among you; and
 ‘ hope that ye, with him, shall have the Means to
 ‘ make this the happiest Parliament that ever was
 ‘ in *England*.

‘ This I profess, and take Comfort in, that the
 ‘ House of Commons at this Time have shewed
 ‘ greater

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greater Love, and used me with more Respect in all their Proceedings, than ever any House of Commons have heretofore done to me, or (I think) to any of my Predecessors. As for this House of yours, I have always found it respective to me; and accordingly do I, and ever did favour you as ye well deserved. And I hope it will be accounted a Happiness for you, that my Son doth now sit amongst you, who, when it shall please God to set him in my Place, will then remember that he was once a Member of your House; and so be bound to maintain all your lawful Privileges, and like the better of you all the Days of his Life. But, because the World at this Time talks so much of Bribes, I have just Cause to fear, the whole Body of this House hath bribed him to be a good Instrument for you upon all Occasions: He doth so good Offices in all his Reports to me, both for the House in general, and every one of you in particular. And the like I may say of one that sits there, (*Buckingham.*) He hath been so ready upon all Occasions to do good Offices, both for the House in general, and every Member thereof in particular. One Proof thereof, I hope my Lord of *Arundell* hath already witnessed unto you, in his Report made unto you of my Answer, touching the Privileges of the Nobility, how earnestly he spake unto Me in that Matter (z).

Now, my Lords, the Time draws near of your Recess: Whether Formality will leave you Time for proceeding now to Sentence against all, or any the Persons now in Question, I know not. But for my Part, since both Houses have dealt so lovingly and freely with me, in giving me, as a free Gift, two Subsidies in a more loving Manner than hath been given to any King before, and so accepted by me; and since I cannot yet retribute by a general Pardon, which hath by Form usually been reserved to the End of a Parliament: The least I can do (which I can for-

‘ bear

(z) See before, p. 341.

‘ bear no longer) is to do something in present, for
‘ the Good and Ease of my People.

‘ Three Patents at this Time have been com-
‘ plained of, and thought great Grievances :

‘ 1. That of the Inns and Hosteries.

‘ 2. That of the Alehouses.

‘ 3. That of Gold and Silver-Thread.

‘ My Purpose is to strike them all dead, and
‘ (that Time may not be lost) I will have it done
‘ presently.

‘ That concerning the Alehouses, I would have
‘ to be left to the Managing of the Justices of
‘ Peace, as before.

‘ That of Gold and Silver-Thread was most
‘ vilely executed, both for Wrongs done to Men’s
‘ Persons, as also for Abuse in the Stuff; for it was
‘ a Kind of false Coin. I have already freed the
‘ Persons that were in Prison : I will now also
‘ damn the Patent : And this may seem instead of a
‘ Pardon. All these three I will have recalled by
‘ Proclamation, and wish you to advise of the
‘ fittest Form for that Purpose.

‘ I hear also that there is another Bill amongst
‘ you against Informers : I desire you, my Lords,
‘ that as ye tender my Honour, and the Good of
‘ my People, ye will put that Bill to an End
‘ so soon as ye can ; and at your next Meeting to
‘ make it one of your first Works. For I have
‘ already shewed my Dislike of that Kind of Peo-
‘ ple openly in the *Star-Chamber* ; and it will be the
‘ greatest Ease both to me, and all those that are
‘ near about me at Court, that may be. For I
‘ remember, that since the Beginning of this Par-
‘ liament, *Buckingham* hath told me, he never
‘ found such Quiet and Rest, as in this Time of
‘ Parliament, from Projectors and Informers, who
‘ at other Times miserably vexed him at all
‘ Hours.

‘ And now I confess, that when I looked before
‘ upon the Face of the Government, I thought
‘ (as every Man would have done) that the People
‘ were never so happy as in my Time. For even,

‘ as

An. 19 James I. 1621. ' as at divers Times I have looked upon many of
 ' my Coppices, riding about them, and they ap-
 ' peared on the outside very thick, and well grown
 ' unto me ; But when I entered into the Midst of
 ' them, I found them all bitten within, and full
 ' of Plains and bare Spots ; like an Apple or Pear,
 ' fair and smooth without, but when you cleave it
 ' asunder, ye find it rotten at the Heart : Even so
 ' this Kingdom, the external Government being
 ' as good as ever it was, and I am sure as learned
 ' Judges as ever it had (and I hope as honest) ad-
 ' ministring Justice within it ; and for Peace, both
 ' at Home and Abroad, I may truly say, more
 ' settled, and longer lasting, than ever any before,
 ' together with as great Plenty as ever : So as it
 ' was to be thought, that every Man might sit in
 ' Safety under his own Vine, and his own Fig-
 ' tree : Yet I am ashamed, and it makes my Hair
 ' stand upright, to consider, how in this Time
 ' my People have been vexed, and polled by the
 ' vile Execution of Projects, Patents, Bills of Con-
 ' formity, and such like ; which, besides the
 ' Trouble of my People, have more exhausted their
 ' Purfes, than Subsidies would have done.

' Now, my Lords, before I go hence, since God
 ' hath made me the Great Judge of this Land
 ' under him ; and] that I must answer for the
 ' Justice of the same : I will therefore (according
 ' to my Place) remember you of some Things,
 ' though I would not teach you. For no Man's
 ' Knowledge can be so good, but their Memories
 ' will be the better to be refreshed. And now be-
 ' cause ye are coming to give Judgment, all which
 ' moves from the King, that you may the better
 ' proceed, take into your Care two Things : First,
 ' to do *Bonum* ; Secondly, next to do it *Benè*. I
 ' call *Bonum*, when all is well proved, whereupon
 ' ye judge, for then ye build upon a sure Founda-
 ' tion : And by *Benè* I understand, that ye pro-
 ' ceed with all Formality and Legality : Wherein
 ' you have fit Occasion to advise with the Judges,
 ' who are to assist you with their Opinions in
 ' Cases

* Cases of that Nature; and Woe be to them, if
 * they advise you not well. So the Ground being
 * good, and the Form orderly, it will prove a
 * Course fitting this High Court of Parliament.

An. 19 James I.
1621.

* In Sentence ye are to observe two Parts: First,
 * to recollect that which is worthy of judging and
 * censuring: And secondly, to proceed against
 * these, as against such like Crimes properly. We
 * doubt there will be many Matters before you,
 * some complained of out of Passion, and some out
 * of just Cause of Grievance. Weigh both; but
 * be not carried away with the impertinent Dis-
 * courses of them, that name as well innocent
 * Men, as guilty. Let your Judgments only take
 * hold of the Guilty: Proceed judicially, and spare
 * none where ye find just Case to punish: But let
 * your Proceedings be according to Law. And
 * remember, that Laws have not their Eyes in
 * their Necks, but in their Foreheads. For the
 * moral Reason of the Punishment of Vices, in all
 * Kingdoms and Common-Wealths, is, because
 * of the Breach of Laws standing in Force; for
 * none can be punished for Breach of Laws by
 * Predestination, before they be made.

* There is yet one Particular, which I am to
 * remember you of. I hear that Sir *Henry Yelver-*
 * *ton* (who is now in the *Tower*, upon a Sentence
 * given in the *Star-Chamber* against him, for de-
 * ceiving my Trust) is touched concerning a War-
 * rant dormant, which he made while he was
 * my Attorney: *The which my Lord Treasurer (a)*
 * *here, refused to set his Hand unto, like an honest*
 * *Man, when it was brought unto him (b).* I protest,
 * I never heard of this Warrant dormant before,
 * and I hold it as odious a Matter, as any is before
 * you: And if, for Respect to me, ye have for-
 * borne to meddle with him in Examination, be-
 * cause

(a) *Henry Montagu*, Viscount *Mandeville*. He hath been before
 Lord Chief Justice of *England*. See his remarkable Speech upon the
 Supply, *Anno* 1601, in Vol. IV. p. 448.—The Duke of *Man-*
chester is lineally descended from this Branch of the *Montagu's*.

(b) This Passage is omitted in *Rusworth*.

An. 19 James I. 1621. ' cause he is my Prisoner ; I do now here freely re-
 ' mit him unto you, and put him into your Hands,
 ' And this is all I have to say unto you, at this
 ' Time; wishing you to proceed justly and nobly,
 ' according to the Orders of your House: And I
 ' pray God to bless you: And ye may assure your-
 ' selves of my Assistance; wishing that what I
 ' have said this Day, amongst you, may be entered
 ' into the Records of this House.'

Which gives
 great Satisfac-
 tion.

The King having ended his Speech, the Lords conceived so much Joy thereat; that they ordered the whole House to go to him, at One in the Afternoon, with their most humble Thanks for it.

Further Progress
 in the Trial of
 Sir George Mom-
 peffon.

The Collection of Offences and Abuses, committed by Sir *Giles Mompeffon*, in the three Patents which were granted to him, being all read: It was resolved by the whole House, ' That it did appear to the Lords, and they were fully satisfied, Sir *Giles Mompeffon* had erected a Court without Warrant; and, also, that he imprisoned the King's Subjects and exacted Bonds from them by Threats, without Warrant; and, afterwards, by undue Practices, procured a Proclamation and other Warrants to colour such his Doings. And yet that he executed all these Ills, and seized the Goods of divers Persons, contrary to such Authority, so unduly procured by him. That he neither paid the 10*l.* reserved Rent to the King, nor brought in the 5000*l.* of Bullion yearly, as he pretended and covenanted to have done. And that all his other Offences and Abuses had been fully proved against him.'

Hereupon it was agreed, ' That the Lords would give Sentence against Sir *Giles Mompeffon*, in their Robes, in the Afternoon. The Lord Admiral, *Buckingham*, desired to be excused if he should be absent; but he gave his Assent to their Lordships Censure of the said Sir *Giles*; affirming, That he had highly abused the King, and also himself, more than any other Lord of that House.'

Post Meridiem. The whole House met again, in which were present the Prince of *Wales*, the two Arch-

Archbishops, the Bishop of *Durham*, and fifteen other Bishops; the Lord Chief Justice *Ley*, as Chancellor, with twenty-three Earls and Viscounts, and twenty Barons.

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The Lords being in their Robes, in order to give Sentence against the Offender, it was much debated first, amongst them, what Punishment Sir *Giles Mompesson* deserved for his high Crimes: And, because the Punishment inflicted heretofore on *Empson* and *Dudley* was much spoken of, the Lords desired to hear their Indictments.

The Indictment of *Richard Empson*, taken at *Northampton*, A. 1^o *Henry VIII.* was read; by which it was observed, That the said *Empson* was indicted for Treason against the King. The Attorney-General also certified to their Lordships, that *Dudley* was indicted, in *London*, for Treason.

But to the End that these Matters might be more freely discussed, and what Punishment was fit to be inflicted on the Offender, the House adjourned *ad Libitum*, the Lord Chief Justice moving to his Place of Assistance; when, after a long Debate, the Lords agreed upon a Judgment against Sir *Giles*: The Earl of *Arundel* observing, That their Lordships might proceed against him hereafter, if more Matter, or Matter of a higher Nature, was found out.

Accordingly a Message was sent from the Lords to the Commons, ‘ That if they and their Speaker, according to the ancient Custom of Parliaments, come to demand of the Lords, that Judgment be given against Sir *Giles Mompesson*, for the heinous Offences by him committed, they shall be heard. Also that the Lords desire a Conference with them, in the *Painted Chamber*, To-morrow Morning.’

Answer return’d, ‘ That they would come to demand Judgment; and that they agreed to the Conference.’

In the mean Time the Lord Treasurer reported, ‘ That, according to the Order of the House made this Morning, the Prince’s Highness, accompanied with many Lords, did present unto his Majesty most

An. 19 James I. 1621. humble Thanks for his Majesty's most gracious Speech to the Lords that Morning; which Thanks, with the Manner of presenting the same, was most joyfully accepted by him, as he expressed in many kind and favourable Words; adding, *That the Lords had taken the right Way to catch a King, by speaking to him by his Son.*

The King's Answer to the Thanks of the House of Lords.

The Knights, Citizens, and Burgesses of the House of Commons, with their Speaker, being come up to the Bar, the Speaker repeated the last Message which the Lords had sent unto them, and said, 'The Commons, by me, their Speaker, demand Judgment against Sir Giles Mompesson, as the Heinousness of his Offences doth require.'

The Lord Chief Justice, as Speaker of the House of Peers, answered,

Their Judgment against Sir Giles Mompesson.

Mr. Speaker,

The Lords Spiritual and Temporal have taken Knowledge of the great Pains the Commons have been at, to inform their Lordships of many Complaints brought unto them against Sir Giles Mompesson, and others, whereof their Lordships received several Instructions from them; and thereupon, proceeding by Examination of divers Witnesses upon Oath, they find Sir Giles Mompesson, and several others, guilty of many heinous Crimes against the King's Majesty, and against the Common-Wealth.

Time will not permit their Lordships to deal with all the Offenders now; therefore they proceed to give Judgment against Sir Giles Mompesson, according to your Demand; and, hereafter, their Lordships will proceed against the other Offenders.

The Judgment of the Lords against the said Sir Giles Mompesson is, And,

The Lords Spiritual and Temporal of this High Court of Parliament do award and adjudge,

1. *That Sir Giles Mompesson shall, from henceforth, be degraded of the Order of Knighthood, with Reservation to his Wife and Children; the Ceremonies of Degradation to be performed by Direction of the Earl Marshal's Court, whensoever he shall be taken.*

2. *That*

2. That he shall stand perpetually in the Degree of a Person outlawed for Misdemeanors and Trespases. An. 19 James I.
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3. That his Testimony be received in no Court; and that he shall be of no Assize, Inquisition, or Jury.

4. That he shall be excepted out of all general Pardons to be hereafter granted.

5. That he shall be imprisoned during Life,

6. That he shall not approach within twelve Miles of the Courts of the King or Prince, nor of the King's High Courts usually holden at Westminster,

7. That the King's Majesty shall have the Profits of his Land for Life, and shall have all his Goods and Chatels as forfeited; and he shall undergo Fine and Ransom, which their Lordships assess at 10,000 l.

8. That he shall be disabled to hold or receive any Office under the King, or for the Common-Wealth.

9. Lastly, That he be ever held an infamous Person.

March 27. Moved for by divers Lords, agreed on, and ordered, 'That in respect of his Majesty's most gracious Speech, made here on the 26th of March, the same Day shall be, yearly, a Sermon-Day throughout all England, especially at Westminster; and all the Lords then in Town to resort unto it.' Ordered further, and decreed, 'That in all future Parliaments, the Lords shall sit in their Robes on the 26th of March, in perpetuam Rei Memoriam.' Order for Observation of the
26th of March.

The Lord Admiral delivered his Majesty's hearty Thanks to the Lords of this House, for their Sentence given Yesterday against *Mompesson*, it being so just, and yet moderate, in respect of the Heinousness of the Offence. And said, That the King, out of Regard to his People, and Detestation of the said Crimes, is pleased, *ex Abundante*, to inflict perpetual Banishment on the said *Mompesson*, out of all his Majesty's Dominions (c). The King adds
to Mompesson's
Sentence.

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B b

The

(c) This Proclamation, for Banishment, dated March 30, is in Rymer's *Public Acts*. Tom. xvii. p. 233.

An. 18 James 1.
1621.

The Commons being ready in the *Painted-Chamber*, for the Conference; before the Lords went to them, the Lord Treasurer first reported the Heads of what he was to deliver, by Direction from the House.

‘ To make a short Recital of his Majesty’s gracious Speech here Yesterday.’

‘ His Majesty’s good Allowance and Approbation of the Sentence given against *Mompesson*; and that, out of his Grace and Favour to the People, he had added, to the Punishment, *perpetual Banishment*.’

‘ That the Lords of this House Yesterday presented; by the Prince, their humble Thanks unto his Majesty for his said Speech to their House; which was well accepted of.’

‘ To let them know that the Lords did consider of the Precedents for *Empson* and *Dudley*; but found they did not concur with this Case of *Mompesson*, they being both indicted for Treason.’

The Conference being over, it was ordered, That the whole Proceedings against *Mompesson* should be drawn up by the King’s Counsel, perused by a Committee of Lords appointed for that Purpose, and entered in the Records of Parliament.

Great Agreement
of Lords and
Commons.

Then the Lords sent a Message to the Commons, to know if they had any other Business for them, because they did not intend to sit in the Afternoon; if not, that they wished them all Happiness in their Departure and Return.’ *Answer.* ‘ That the House of Commons have received the noble Message, sent by their Lordships to them; for which they gave them most humble Thanks: That they also cease from Business this Morning. They acknowledge the great and good Respect between the two Houses, which hath been more this Parliament than ever; and that they, for their Parts, will endeavour to continue it: And so they wish all Honour and Prosperity to their Lordships.’

It was also ordered, That each Earl and Viscount should pay 40 s. and each Bishop and Baron 20 s. the Proxies to pay for the absent Lords; which Money was to be distributed amongst some Gentle-

Gentlemen employed by the Committee, in searching Records for Parliamentary Precedents; which were to be transcribed in Parchment, and safely kept.

Three particular Committees of Lords appointed to take Examinations in the Lord Chancellor's Cause, during the Recess of Parliament.

Both Houses adjourned themselves to the 17th of April next ensuing.

It may be thought necessary here to look into the particular Writer of this Reign, and the other Historians of the Times, for what they have left us, concerning the foregoing Proceedings; by which we may judge how *their Accounts* tally with the *Authorities* of the *Journals*. These last Authentic Testimonies seem to assure us, that there was never yet a Parliament, where the King and the two Houses were so unanimous in correcting the Grievances of the People: The House of Commons complained; the Lords judged and sentenced the Malefactors; and the King rooted out the Weeds that grew up in the Common-Wealth, in which they were shrowded. And yet, Mr. *Wilson*, in his Life of this King, insinuates strongly (d), ' That *James* was not only the principal Agent, and the Source from whence these obnoxious Patents took Root, but had himself a great Share in the scandalous Profit collected by them. He tells us, ' That the King hearing these Patents were anatomized in the House of Commons; and, willing to comply with his People, whom he found so bountiful unto him, he came to the House of Lords to close, gently, with them, and excuse the granting of those Patents; shewing some Reasons why he granted them, and the Instructions he gave for the Execution of them; by which he hoped to take off that sharp Reflection that might otherwise fall upon him. But the Modesty of Parliaments seldom imputes any of these Miscarriages to the

Observations on
the foregoing
Prosecutions of
public Offenders,

B b 2

Prince;

(d) *Wilson in Kennet, p. 734.*

An. 19 James I. 1621. Prince; but the Actors under him must bear the Burden of it.'

From the King, this Author descends to his Chief Minister, the Marquis of *Buckingham*; he tells us, 'That the Parliament looked upon him as the first Mover of this great Machine: But the Wisdom of the House did not suffer them to rise so high as to strike at the uppermost Branches; they only prun'd those, roundly, within their Reach: That all the World knew *Mompesson* was his Creature; and that, notwithstanding the King's Proclamation, he got out of *England* by his Key.' How far this last Charge may be true, we know not; nothing appearing against *Buckingham*, in the *Journals*, relating to this Matter; tho' indeed, Mr. *Camden*, says, 'That the Marquis did forsake *Mompesson*, at this Time, on whom he most relied (e).'

Mr. *Rushworth*, in his *Historical Collections* of this Reign, informs us (f), 'That this Parliament, besides petitioning the King to put the Laws in Execution against Jesuits, Seminary Priests, and Popish Recusants, (of which, by the Bye, there is not one Word in the *Journal* of this Session) took in hand to redress the People's Grievances by illegal Patents and Projects: The Chief of which was that of Inns and Ale-houses; whereby large Fines and an annual Revenue were collected thro' the Kingdom: That the Commons, at a Conference with the Lords, offered to prove, That the Patents of Gold and Silver-Thread; of Inns and Ale-houses; of Power to compound for obsolete Laws; of the Price of Horse-Meat, Starch, Cords, Tobacco-Pipes, Salt, Train-Oil, and the rest, were all illegal. But, adds this Author, They touched not upon the King's Prerogative; for, in restoring the Subjects Liberty, they were careful to preserve the King's Honour.'—Much more modestly expressed than by his Cotemporary, Mr. *Wilson*.

Both these Writers do also give some Account of the Complaint from the Commons, and the Proceedings

(e) *Camden's Annals in Kennet*, p. 656. (f) Vol. I. p. 24.

ceedings upon it, in the Upper House, against the Lord Chancellor *Bacon*. There is likewise, seemingly, the whole Trial of this unfortunate great Man, printed and published in the compleat Collection of *State Trials* (g). But how short all these Accounts are, when compared and what we have given from the *Lord's Journals*, will appear, in some Measure, from what has preceded; but much more in what is to follow.

An. 19 James I.
1621.

April 17. The Time of the Access of Parliament being come, the House of Lords met; when the first Thing that was done there, was, to read, a second Time, a Bill against certain troublesome Persons, commonly called Relators, Informers, and Promoters; and it was committed.

When this was over, the Lord Chamberlain acquainted the House, 'That, in the *Interim* of the Cessation, the Lord Chancellor had been an humble Suitor to his Majesty, that he might see and speak with him. And altho' his Majesty, in Respect to the Lord Chancellor's Person, and of the Place he held, might have granted his Lordship that Favour; yet, for that his Lordship was under the Trial of this House, his Majesty would not, on the sudden, comply with his Request.'

Further Proceedings in the Case of Lord Bacon.

'That on *Sunday* last the King called all the Lords of this House, which were of his Privy-Council, before him; and demanded their Lordships Advice what was best to be done in that Affair. The Lords did not presume to advise his Majesty, because he himself did, suddenly, propound such a Course, as the World could not advise a better; which was, to speak with the Chancellor privately.'

'That Yesterday his Majesty admitted the Lord Chancellor to his Presence. His Lordship desired that he might have a Particular of those Matters, wherewith he was charged before the Lords of this

B b 3

House:

(g.) The Proceedings against *Francis Lord Bacon*, Lord Chancellor, for Bribery and Corruption, in the *State Trials*, is no other than a summary Extract from the *Journals*, relating to that Matter; and was printed, in a Sixpenny Pamphlet, about the Time of the late Earl of *Macclesfield's* Trial.

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House: For it was not possible for him, who passed so many Orders and Decrees in a Year, to remember all Things which fell out in them; and that, this being granted, his Lordship would make two Requests to his Majesty.'

'*First*, That when his Answers should be fair and clear to those Things objected against him, his Lordship might stand upon his Innocency.

'*Next*, That where his Answers should not be so fair and clear, then his Lordship might be admitted to an Extenuation of the Charge: And where the Proofs were full and undeniable, his Lordship would ingenuously confess them, and put himself upon the Mercy of the Lords.'

Unto all which his Majesty answered, 'That he would refer him to the Lords of this House; and therefore his Majesty desired that he, the Lord Chamberlain, would make Report thereof to them.'

It was thereupon ordered, 'That the Lord Treasurer should acquaint his Majesty with their thankful Acknowledgment for this his Favour, and that they held themselves highly bound to his Majesty for it.

Seventeen more Witnesses sworn in the Cause against the Lord Chancellor; and it was agreed, That the Lords of the Committees should prepare an Examination for him.

And Sir Edward
Villiers.

The Lord Admiral, *Buckingham*, in a Speech made to the Lords this Day, protested to them, 'That whereas it was the Opinion of the World he had sent his Brother, *Sir Edward Villiers*, abroad, in the King's Service, on purpose to avoid his Trial, touching some Grievances complained of by the Commons: His Lordship was so far from it, that he had sent to hasten his coming home; and if any thing blame-worthy could be objected against him, his Lordship was as ready to censure him as he was *Mompesson*. He desired that the Consideration of his Brother's Affair might be expedited; for, altho' he was a Member of the Lower House, his Lordship advised him not to go there till he had cleared

cleared himself here. *Lastly*, His Lordship requested, that the said Sir *Edward Villiers* might come to his Accusation, for so he should gain the greater Honour; his Lordship not doubting but that he could well clear himself from it.

On this, several Lords stood up, and declared their Opinion, 'That Sir *Edward Villiers* might go to the Lower House: That the said Sir *Edward* is only named *abiter*, or, according to the *French* Phrase, *en passant*, in the Accusation against *Mompesson* and others; but, as yet, he was not accused of any particular Offence by him committed.'

The Serjeant at Arms, attending the House, by Warrant, was ordered to go to the Fleet, and bring *Matthias Fowles* to the Bar by Nine the next Morning. Also, That the Lord Chief Justice should grant a special Warrant to the Lieutenant of the Tower, to bring Sir *Henry Yelverton* (b) and Sir *Francis Mitchel* before their Lordships at the same Time.

April 18. The Lord Treasurer acquainted the House, That, by their Lordships Appointment, he had presented to his Majesty their humble Thanks, for his gracious Respect shewn to that House in the Message touching the Lord Chancellor. That his Majesty answered, 'Their good Acceptation of it was as pleasing to him, as his Message could be to the Lords.' And said further, 'That in this Access of Parliament, tho' it was no new Session, yet his Majesty had Occasion to say somewhat to the Lords; and therefore his Pleasure was, that the whole House should wait upon him, at *Whitehall* on *Friday* next, in the Afternoon.' The Lord Chamberlain signified, That Orders were given, by his Majesty, for the Lower House to attend there also.

The House adjourned themselves into a Committee, to debate and settle in what Manner to proceed against Sir *Henry Yelverton*; and, being agreed, the Chief Justice resumed his place. Sir

B b 4

Henry

(b) Then Attorney-General to the King.

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Articles of the
Charge against
Sir Henry Yel-
verton with his
Answers.

Henry was then brought to the Bar; where, kneeling till he was bid to rise, the Chief Justice read the Charge against him; unto which Sir *Henry* made the following particular Answers.

Charge I. 'That he committed divers Persons for refusing to enter into Bonds to restrain their own Trade, &c. before he had any Authority to require any such Bonds.'

Response. 'He confessed that he committed divers to Prison, and justified the same. That he committed none to restrain them of their Trades, but for their Stubborness in not obeying the King's Commands; which he did to advance the lawful Profit of his Master; and that he had Authority to do it.'

II. 'That he first signed and directed the Warrants, dormant, having no Authority for the same, and yet containing many unwarrantable Clauses.'

Resp. 'He drew one, and first signed it; but no Clause unwarrantable was in that, and he justified it: For the others, he neither denieth nor confesseth; he remembers not whether he drew them or no.'

III. 'That he advised the Patent of Gold and Silver-Thread to be resumed into the King's Hands, conceiving the same to be a Monopoly; and advised the Patentees to proceed by Contract with the King.'

Resp. 'He advised not this alone; he was the weakest amongst many that advised the Contract; he denied that he conceived it to be a Monopoly, and doubts not but to prove it to be no Monopoly; he denied that he confessed any such Thing to the Commons; he denied his Advice to the Contract to colour a Monopoly; he did it in Duty to the King.'

IV. 'He procured a Proclamation to take Bonds, and signed a Docquet, shewing his advising with the Recorder of *London* and the City thereupon; whereas the Recorder was not acquainted with it.'

Resp. 'He utterly denied he made any such Docquet; he did sign one, and he did acquaint the
Lord

Lord Chancellor and Recorder of *London* with it, An. 19 Jan. 1621. and desired the Recorder to acquaint the City; but denied that the Docquet is that he had acquainted the City with.'

V. 'That 3401 *Quo Warranto's*, to the Vexation of the People, were brought by him, touching the Patent of Inns, and but two came to Trial.'

Resp. 'He cannot particularly answer this: If it appear upon Record that there be so many signed by him, he confesses it; but, till then, he humbly desires to be retained in their Lordships Favour. Adding, That if ever he deserved well of his Majesty, it was in this; that the King and Subject were more abused by that Patent than by any other; and, as he takes it, he suffers, at this Day, for that Patent.'

VI. 'That he commenced divers Suits in the Exchequer, touching Gold and Silver-Thread; but did not prosecute the same.'

Resp. 'It may be he did.'

These Answers and Confessions being read, the said Sir *Henry Yelverton* having Leave to speak, said,

'That he thought himself happy in these Mists His Defence. of his Majesty's Disfavour, that he was pleased to cast that Grace upon him, as to send him to this Honourable House: That Innocency had her present Answer; Wisdom required Time. Therefore he made his most humble Suit to have a Particular of his Charge in Writing, and Time to answer the same; that he might have Leave to repair to his Chambers, at *Gray's-Inn*, and to his House, to search his Papers; for that the Matters, objected against him, did look into his Actions for four, five, and seven Years of his serving his Majesty.'

Sir *Henry* being withdrawn, and the House having taken this into Consideration, he was brought to the Bar again; when the Chief Justice told him, that he should have a Copy of the Charge objected against him; and Leave, under the Lieutenant's Charge, to go to his House and Chambers to view his Papers; and to have Time, until *Saturday*

An. 19 James I. 1621. *tuesday* come Se'nnight, to make his further Answer; which was more than his own Request. And an Order of the House was made for it accordingly.

April 19. Some Debate arose about the Inconveniences and Exceptions arising from the Informer's Bill. Afterwards the Earls of *Arundell*, *Huntingdon*, and *Southampton*, the Chiefs of the three Committees appointed to enquire into the Lord Chancellor's Affair, delivered in their several Informations and Examinations taken in it. Many of these were read, several original Letters produced, and other Evidences, too long and too confused for our Insertion; but are what took up most or all of the Business of this Day. Adjourned to the 24th.

April 24. The Lords met in their Robes, expecting the Coming of the King, who soon after appeared in State; and, being seated on the Throne, made a Speech to them to this Effect:

The King's
Speech to the
Lords.

He first made a short Repetition of the Speech, used by him, to the Lords and Commons on their Access unto him, on *Friday* last, *viz.* ' That, at
' that Time, he made a Recantation unto them of
' his former Determination not to use any Speeches
' unto them, but those usual at the Beginning or
' Ending of a Parliament. But that the House of
' Commons did behave so worthily unto him, that
' he was resolved to speak oftner unto them, here-
' after, as Occasion shall require. His Majesty
' did put them in Mind of the Occasions of call-
' ing this Parliament, which were these:

' To relieve his Wants, he having received no
' *Subsidies* these many Years: And for Relief of
' the torn Estate of *Christendom*,

' To make good Laws.

' To hear and redress Grievances, which cannot
' come to a King's Ear better than by Parliament.

' For the first, his Majesty told them that he
' had more Cause to give his Subjects Thanks, for
' the two Subsidies granted to him this Parliament,
' than any King ever had; both, for that the
' same

‘ same was granted in the Beginning of the Parliament, and for the Title of the Grant.

‘ That his Majesty had taken up, upon Trust before-hand, the Sum granted him by the said *Subsidies*; as well for the Defence of the *Palatinate*, as for the Maintenance of his Son-in-Law and his Daughter, and their Children, and of the Dowager also; who are all expelled out of their Country, as also, for Preparation of Arms for Recovery thereof.

‘ That his Majesty had procured a short Truce, and did hope to get a general Peace, and thereby to settle them in their Country again; but was to be at great Charges to send Embassadors, all over *Christendom*, for the effecting thereof; and if this Peace could not be obtained, then his Majesty would send his Armies to recover the same. The great Charges of either of these could not be supplied, but by more *Subsidies*.

‘ And, whereas some say, Subsidies may be granted at the next Session; lest, when the same are given, his Majesty might dissolve the Parliament with this Session, within which Time the important Business now intended cannot be finished: His Majesty protested before God, that whether there be any more *Subsidies* granted, or not, he intends not to dissolve this Parliament, till the Matters in Agitation be finished.

‘ As to the Making of good Laws, his Majesty, at his first Coming to the Crown, commanded a Collection to be made of all Penal Statutes, which Books he heard were now finished, and he was glad of it. The said Penal Laws, some intricate, some obsolete, being the Ground-work of all Informers; and, amongst other good Laws to be made, his Majesty, especially, recommended a Reformation of Abuses by Informers, and that they be punished.

‘ As to Complaints of Grievances, his Majesty commended those for public Grievances; protesting, that he would prefer no Person, whatsoever, before the public Good.’

His

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1621.

His Majesty was also pleased, ' To put the Lords
' in Mind of their ancient Orders of this House,
' in hearing Complaints, in the Examinations of
' them, and their Manner to give Judgment there-
' upon. But advised them, the Time being pre-
' cious, to entertain nothing which was not ma-
' terial and weighty.' He was pleased to say, fur-
ther, ' That he was now come to speak somewhat
' particular unto the Lords of this House in regard
' to himself; and told them, That, as all Libels
' against himself are generally punished, so a Libel
' against his Majesty, in open Parliament, must
' not escape.

' And whereas many Complaints are already
' made against Courts of Judicature, which are in
' Examination, and are to be proceeded on by the
' Lords, his Majesty would add some, which he
' thinks fit also to be complained of and redressed;
' which are, That no Orders be made but in pub-
' lic Courts and not in Chambers: That excessive
' Fees be taken away: That no Bribery, nor
' Money, be given for the hearing of any Cause.
' These, and many other Things his Majesty
' thought fit to be done this Session; and added,
' That when he had done this, and all that he can
' do for the Good of his Subjects, he confessed he
' had but done the Duty whereunto he was born.

' That Sir *Henry Yelverton*, being the other Day
' at the Bar, did infer, That all the Punishment
' upon him was for his good Service done to his
' Majesty.

' The King said, That it seemed strange to him,
' that Sir *Henry* should be examined upon any
' thing, save the Patent of Gold and Silver-
' Thread; for his Majesty did not conceive that
' any Matter was complained of against him relat-
' ing to Inns and Hosteries, whereof he was here,
' also, examined. That, as to this Patent, *Mom-*
' *peyson* made Complaint to his Majesty, that Sir
' *Henry* refused to send any Process of *Quo War-*
' *ranto* against a Multitude of Innkeepers; and his
' Majesty accepted of Sir *Henry's* modest Answer
' to

to this, That he misliked these Proceedings An. 19 James I. 1621. against his Subjects. But, afterwards, his Majesty understood, That *Mompesson* agreeing that Sir *Henry Yelverton* should receive the Fees due unto him for the said Process, Sir *Henry* yielded thereunto, and *Mompesson* made no more Complaints thereof.

His Majesty, to clear himself, did lay open to the Lords the many former just Dislikes, which he had against this Offender, Sir *Henry*, before he questioned him; and said the first Dislike he found in him was, That his Majesty referring a Pardon of petty Theft, to be considered of by him and the then Solicitor; he alone, took it into his Consideration, and signed a Pardon for Murder also.

That Sir *Henry* passed at one Time four Patents for his Majesty to grant, which the Lord Chancellor stayed at the Seal, the same being found to be very inconvenient. Hereupon his Majesty intended to have remov'd him, but, by Way of Preferment; and finding, at that Time, a Judge's Place void, he thought to have bestowed that upon him. But, because, he had not any Precedent that the King's Attorney-General was ever removed to any other Place than that of a Chief Judge, his Majesty did then forbear, expecting some other Place for him.

That his Majesty hearing of the Charter of the City of *London*, lately renewed, containing many new excessive Grants; altho' Sir *Henry* then exceeded his Majesty's Warrant, yet, his Majesty was pleased, at the first, to tell him gently and privately of it; when the said Sir *Henry*, with many Deprecations, denied absolutely, that any new Liberties were contained in the said Grant; and desired to kiss his Majesty's Hand on that Condition, which he did. Afterwards, when his Majesty intended to question the said Sir *Henry* for the same, the Lord Admiral besought his Majesty not to think of any private Wrongs done to his Lordship, in the Examination

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1621.

‘mination of this Business, touching the Charter of *London*. That Sir *Henry*, at the first, justified himself by his Majesty’s Warrant, that by it he might have given away all *London* from him; yet, at last, he made a good Submission, in the Beginning; but, in the End, he said, he had not wronged his Majesty’s Prerogative.

‘His Majesty shewed how gentle the Proceedings were against Sir *Henry*, by him and the Lords in the *Star-Chamber*. But since that, now he taxes his Majesty that he suffers for good Service done to him, his Majesty requires the Lords, who are able to do him Justice, to punish the said Sir *Henry Yelverton* for his Slander.’

When his Majesty had ended his Speech, and was departed from the House, the Lords received a Message from the Commons, accompanied with six Bills of a public Nature, and one private Bill. But, as an Abstract of the most particular Acts, which were passed this Parliament, will fall better at the Time when the Royal Assent was given to them, we shall postpone them to that Period.

The Message which was delivered at the same Time, was to this Effect: First,

Complaint against
Sir John Bennet,
who had been
expelled by the
Commons for
Bribery, &c.

‘That the Commons desire a Re-conference on the Bill against Informers. Next, That they had received Complaints of divers exorbitant Oppressions and Bribery, committed by Sir *John Bennet*, Knt. late a Member of their House (i), but now expelled by them for the same; that they desire a Conference also about him. Agreed to be at four this Afternoon, in the *Painted-Chamber*. It was ordered, by general Consent of the whole House, That his Royal Highness the Prince should be one of all Committees, if his Highness so please to be.’

Post Meridiem. His Royal Highness signified to the Lords, That the Lord Chancellor had sent a Submission unto their Lordships, which was presently read, in hæc Verba.

To

(i) Member for *Rippon*, in *Yorkshire*.

To the Right Honourable the Lords of the Parlia- An. 19 James I.
ment in the Upper House assembled. 1621.

The HUMBLE SUBMISSION and SUPPLICATION
of the LORD CHANCELLOR.

May it please your Lordships,

I Shall humbly crave at your Hands a benign In- Lord Bacon's
terpretation of that which I shall now write: Submission to
For Words that come from wasted Spirits; and op- the Lords.
pressed Minds, are more safe in being deposited to a
noble Construction, than being circled with any re-
served Caution.

This being moved (and, as I hope, obtained of
your Lordships) as a Protection to all that I shall say,
I shall go on; but with a very strange Entrance, as
may seem to your Lordships, at first: For, in the
midst of a State of as great Affliction as, I think,
a mortal Man can endure; (Honour being above
Life) I shall begin with the professing of Gladness in
some Things.

The first is, That hereafter the Greatness of a
Judge, or Magistrate, shall be no Sanctuary or Pro-
tection to him against Guiltiness, which is the Begin-
ning of a golden Work.

The next, That after this Example, it is like that
Judges will fly from any thing in the Likeness of
Corruption (though it were at a great Distance) as
from a Serpent; which tends to the purging of the
Courts of Justice, and reducing them to their true
Honour and Splendor. And in these two Points,
(God is my Witness) though it be my Fortune to be
the Anvil upon which these two Effects are broken
and wrought, I take no small Comfort. But to pass
from the Motions of my Heart (whereof God is my
Judge) to the Merits of my Cause, whereof your
Lordships are Judges, under God and his Lieutenant;
I do understand there hath been heretofore expected
from me some Justification, and therefore I have chosen
one only Justification, instead of all others, out of the
Justification of Job. For after the clear Submission
and Confession which I shall now make unto your Lord-
ships,

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ships, I hope I may say, and justify with Job in these Words, I have not hid my Sin, as did Adam, nor concealed my Faults in my Bosom. This is the only Justification which I will use.

It rests therefore, that without Fig-leaves I do ingenuously confess and acknowledge, that having understood the Particulars of the Charge, not formally from the House, but enough to inform my Conscience and Memory: I find Matter sufficient and full, both to move me to desert my Defence, and to move your Lordships to condemn and censure me. Neither will I trouble your Lordships by singling those Particulars which I think might fall off. Quid te exempta juvat spinis de millibus una? Neither will I prompt your Lordships to observe upon the Proofs where they come not home, or the Scruple touching the Credits of the Witnesses. Neither will I represent unto your Lordships, how far a Defence might, in divers Things, extenuate the Offence, in respect of the Time and Manner of the Guilt, or the like Circumstances; but only leave these Things to spring out of your own more noble Thoughts and Observations of the Evidence, and Examinations themselves; and charitably to wind about the Particulars of the Charge, here and there, as God shall put into your Minds, and to submit myself wholly to your Piety and Grace.

And now I have spoken to your Lordships as Judges, I shall say a few Words unto you as Peers and Prelates, humbly commending my Cause to your noble Minds and magnanimous Affections.

Your Lordships are not simply Judges, but Parliamentary Judges; you have a farther Extent of Arbitrary Power than other Courts; and if you be not tied by ordinary Course of Courts, or Precedents, in Points of Strictness and Severity, much less in Points of Mercy and Mitigation: And yet if any thing, which I shall move, might be contrary to your honourable and worthy End, (the introducing a Reformation) I should not seek it. But herein I beseech your Lordships to give me leave to tell you a Story.

Titus Manlius took his Son's Life, for giving Battle against the Prohibition of his General: Not many

Years after, the like Severity was pursued by Papirius Cursor, the Dictator, against Quintus Maximus; who being upon the Point to be sentenced, was, by the Intercession of some particular Persons of the Senate, spared: Whereupon Livy maketh this grave and gracious Observation, Neque minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii. The Discipline of War was no less established by the Questioning of Quintus Maximus, than by the Punishment of Titus Manlius. And the same Reason is in the Reformation of Justice; for the Questioning of Men in eminent Places, hath the same Terror, though not the same Rigour, with the Punishment. But my Cause stays not there; for my humble Desire is, That his Majesty would take the Seal into his Hands; which is a great Downfall, and may serve, I hope, in itself, for an Expiation of my Faults.

Therefore, if Mercy and Mitigation be in your Lordships Power, and no Ways cross your Ends, why should I not hope of your Favour and Commiseration? Your Lordships will be pleased to behold your chief Pattern, the King our Sovereign, a King of incomparable Clemency, and whose Heart is inscrutable for Wisdom and Goodness; and your Lordships will remember, there sat not, these Hundred Years before, a Prince in your House; and never such a Prince, whose Presence deserveth to be made memorable by Records, and Acts mix'd of Mercy and Justice. Yourself are either Nobles, (and Compassion ever beateth in the Veins of noble Blood) or Reverend Prelates, who are the Servants of him that would not break the bruised Reed, not quench the smoking Flax. You all sit upon a high Stage, and therefore cannot but be sensible of the Changes of human Conditions, and of the Fall of many from high Places.

Neither will your Lordships forget, that there are Vitia Temporis, as well as Vitia Hominis; and the Beginning of Reformation hath the contrary Power to the Pool of Bethesda; for that had Strength to cure him only that was first cast in, and this hath Strength

An 19 James I. to hurt him only that is first cast in; and, for my Part,
1621. I wish it may stay there, and go no farther.

Lastly, I assure myself, your Lordships have a noble Feeling of me, as a Member of your own Body; and one that, in this very Session, had some Taste of your loving Affections, which, I hope, was not a Lightning before the Death of them, but rather a Spark of that Grace, which now in the Conclusion will more appear: And therefore my humble Suit to your Lordships is, That my penitent Submission may be my Sentence; the Loss of my Seal my Punishment; and that your Lordships would recommend me to his Majesty's Grace and Pardon for all that is past. God's Holy Spirit be among you.

April 22, }
1621. }

Your Lordships

Humble Servant,

and Suppliant,

FRAN. ST. ALBAN, Canc.

This Submission being read by the Clerk, and afterwards repeated by the Lord Chief Justice, the House adjourned, *ad Libitum*, for the better debating; Whether the said Submission was a sufficient Confession for the Lords to ground their Censure on? Their Lordships being all agreed, That the Lord Chancellor's Submission was not satisfactory, for that his Confession therein was not fully nor particularly set down; but did, in some Sort, extenuate it, and seemed to prescribe the Sentence to be given against him by the House: It was resolved, That the Lord Chancellor should be charged with the Briberies and Corruptions complained of against him, and that he should make a particular Answer thereunto. But, whether the Chancellor should be brought to the Bar to hear the Charge; or, that Respect being had to his Person, as having yet the King's Great Seal, the Charge shall be sent to him in Writing, was much debated. And, being put to the Question, it was carried for the latter.

It

It was then ordered, That Mr. Baron *Denham* An. 19 James I. 1621. and Mr. Attorney-General (*k*) should be sent to the Chancellor with this Message, ' That his Confession was not fully set down in the said Submission, for three Causes :'

Which the Lords resolve to be unsatisfactory,

' 1. His Lordship confesseth not any particular Bribe nor Corruption.'

' 2. Nor sheweth how his Lordship heard of the Charge thereof.'

' 3. The Confession, such as it is, is afterwards extenuated in the said Submission; and therefore the Lords have sent him a Particular of the Charge, and do expect his Answer with all convenient Expedition.'

CORRUPTIONS charged on the Lord Chancellor with the PROOFS thereof.

I. **I**N the Cause between Sir Rowland Egerton, Articles of the Charge against him. Knt. and Edward Egerton, Esq; the Lord Chancellor received 500*l.* on the Part of Sir Rowland, before he decreed the same. Proved by the Deposition of Sir Rowland Egerton, and John Brook, who provided the Money, and payed it to the Chancellor's Agent. Bevis Thelwell deposes he delivered 200*l.* to the Lord Chancellor he received from Edward Egerton, in the same Cause. And 400*l.* more. Proved by the Depositions of Sir Richard Young and Sir George Hastings, Ralph Meresill, and Tristram Woodward.

II. In the Cause between Hody and Hody, he received a Dozen of Buttons of the Value of 50*l.* a Fortnight after the Cause was ended. Proved by the Depositions of Sir Thomas Perient and John Churchill; who speaks of greater Value by the Report of Hody.

III. In the Cause between the Lady Wharton and the Coheirs of Sir Francis Willoughby, he received of the Lady 310*l.* Proved by the Depositions of the Lady Wharton, Richard Keeling, and Anthony Gardner.

C c 2

IV. In

(*k*) Sir Thomas Coventry, so appointed upon the Removal of Sir Henry Talverton.

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IV. In Sir *Thomas Monk's* Cause, he received of Sir *Thomas*, by the Hands of Sir *Henry Holmes*, 100*l.* but this was nine Months after the Suit was ended. Proved by the Deposition of Sir *Henry Holmes*.

V. In the Cause between Sir *John Trevor* and *Afcue*, he receiv'd of the said Sir *John* 100*l.* Proved by the Deposition of *Richard Keeling*.

VI. In the Cause between *Holman* and *Young*, he received of *Young* 100*l.* after the Decree made for him. Proved by the aforesaid *Richard Keeling*.

VII. In the Cause between *Fisher* and *Wrenham*, after the Decree was past, he received of *Fisher* a Suit of Hangings worth 160*l.* and better; which *Fisher* gave by Advice of Mr. *Duke*. Proved by the Deposition of Sir *Edward Fisher*.

VIII. In one *Kenneday's* Cause he had of him a rich Cabinet worth 800*l.* Proved by the Deposition of *James Kenneday*.

IX. He borrowed of one *Valore* 1000*l.* upon his own Bond, at one Time; and the like Sum at another Time, on his own Note, indorfed by *Hunt*, his Servant. Proved by the Deposition of *Peter Valore*.

X. He received from *Richard Scot* 200*l.* after his Cause was ended, but upon a precedent Promise; likewise, he had in the same Cause 100*l.* for Sir *John Lenthal's* Part. Proved by the Depositions of *Richard Scot* and *Edward Sherborne*.

XI. In a Cause between *Wroth* and Sir *Arthur Manwaring*, he had of the former 100*l.* Proved by *John Churchill* and *John Hunt*.

XII. Sir *Ralph Hansby*, having a Cause depending before the Chancellor, he had of him 500*l.* Proved by the Depositions of * * * * *

XIII. *William Counton* had an Extent granted him for a Debt of 1200*l.* the Lord Chancellor stayed it and wrote his Letter; on which Part of the Debt was paid presently, and Part at a future Day. The Lord Chancellor hereupon sends to borrow 500*l.* and, because *Counton* was to pay to one *Huxley* 400*l.* his Lordship requir'd *Huxley* to forbear it for six Months, and thereupon obtains the Money

Money from *Counton*. The Money being unpaid, Suit grows between *Huxley* and *Counton*, in Chancery; where his Lordship decreed *Counton* to pay *Huxley* the Debt, with Damages and Costs, when the Money was in his own Hands. Proved by the Deposition of *William Counton*.

XIV. In the Cause between Sir *William Bruncker* and *Aubrey*, the Chancellor received from *Aubrey* 100*l*. Proved by the Depositions of *Christopher Aubrey*, Sir *George Hastings*, and the Letters from *Aubrey* to the Lord Chancellor.

XV. In Lord *Montagu's* Cause, he received from that Lord 6 or 700*l*. and more was to be paid at the End of the Cause. Proved by *Bevis Thelwell*.

XVI. In Mr. *Dunch's* Cause, he received from him 200*l*. Proved by *Thelwell*.

XVII. In a Cause between *Reynel* and *Peacock*, the Lord Chancellor received from *Reynel* 200*l*. and a Diamond Ring worth 5 or 600*l*. Proved by the Depositions of *John Hunt* and Sir *John Reynel*. He took of *Peacock* also 100*l*. and borrowed 1000*l*. without Security, Interest, or Time of Repayment. Proved by *William Peacock* and *James Rolfe*.

XVIII. In the Cause between *Smithwick* and *Wyche*, he received from the former 200*l*. which was repaid. Proved by *John Hunt*.

XIX. In Sir *Henry Russel's* Cause, he received Money from him; but it is not certain how much. Proved by *Hunt*.

XX. In the Cause of Mr. *Barker*, the Chancellor received of the said *Barker* 700*l*. Proved by the Depositions of *Robert Barker* and *Edward Sherborne*.

XXI. There being a Reference from his Majesty to his Lordship, for a Business between the Grocers and Apothecaries of *London*, he received of the Grocers 200*l*. Proved by the Depositions of Sir *Thomas Middleton*, Alderman *Johnson*, and *John Banbury*. And he received, in the same Cause of the Apothecaries, who opposed the Grocers, a Taster of Gold worth 40 or 50*l*. together

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ther with a Present of Ambergrease. Proved by Sir *Thomas Middleton* and *Samuel Jones*. Also, of the new Company of Apothecaries, in the same Cause 100*l*. Proved by *John Keilet* and *Gabriel Sheriffe*.

XXII. He took of the *French Merchants* 1000*l*, to constrain the Vintners of *London* to take from them 1500 Tuns of Wine. Proved by the Depositions of *Robert Bell*, *William Spright*, and *Richard Peacock*. To accomplish this Business he used very indirect Means; by Colour of his Office and Authority, without Bill or Suit depending; terrifying the Vintners by Threats and Imprisonments of their Persons, to buy Wines, for which they had no Use nor Need, at higher Rates than they were at that Time vendible. Proved by the Depositions of *John Child*, *Henry Ashton*, *Thomas Hysellfoote*, *Ralph Moor*, *Thomas Knight*, and the Chancellor's own Letters and Orders.

XXIII. The Lord Chancellor hath also given way to great Exactions by his Servants, both in respect of private Seals, and likewise for sealing of Injunctions, with other Things. Proved by *Thomas Manwood* and *Richard Keeling*.

Post Meridiem. Mr. Baron *Denham* and the Attorney-General reported, That they did Yesterday, according to the Direction of the House, deliver unto the Lord Chancellor, the Charge of his Corruptions, &c. in Writing, and required his Lordship's Answer; who said he would return one as soon as possible.

The Lord Chief Justice received a Letter from the Lord Chancellor, directed to Sir *James Ley*, Knight, Lord Chief Justice of the King's Bench, and supplying the Place of Lord Chancellor by Commission; which Letter the Lords would take no Notice of, because it was directed to the Lord Chief Justice, and not to the House.

It was moved by the Lord *Southampton*, 'That the Lord Chancellor's Answer was not satisfactory to their last Message; but that he should be required to

to answer directly from his own Mouth.' Upon this a long Debate arose, Whether he should be brought to the Bar or no? At last another Message was agreed upon to be sent to this Effect; 'That their Lordships, having received a doubtful Answer to the Message they sent to him Yesterday, they now send again to him to know of him, directly and presently, whether he will make his Confession, or stand upon his Defence?' An. 19 James I.
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He is required to give a direct Answer.

Answer. 'That the Lord Chancellor will make no Manner of Defence to the Charge, but meaneth to acknowledge Corruption; to make a particular Confession to every Point; and, after that, an humble Submission: But he humbly craves Liberty, that where the Charge is more full than he finds the Truth of the Fact, he may make Declaration of the real Truth in such Particulars, the Charge being brief, and not containing all Circumstances.' The Lords allowed him Time, to April the 30th, to send such Confession and Submission as he intended to make.

The Lord Treasurer reported what occurred at the Conference, Yesterday, with the Commons, touching the Affair of Sir *John Bennet*; the Effect thereof was, 'That the said Sir *John Bennet*, Knt. Judge of the Prerogative Court of *Canterbury*, being directed by Law, both what to do, and what Fees to take, did, contrary to Law, exact great and extreme Fees, with much Bribery. Some Complaints against him were opened, with a Request from the Commons that they might send up more hereafter, if any came before them.'

Proceedings in the Case of Sir John Bennet.

A Petition from Sir *John Bennet* to the Lords was read, humbly shewing, 'That he was kept a close Prisoner, under the Custody of the Sheriff of *London*, in his own House, and humbly desiring to have the Liberty of that, upon good Security.'

Upon a Motion made to the Lords, how far the Petitioner should have this Liberty granted him, it was at last agreed and ordered, 'That whereas Sir *John Bennet*, Knight, had presented a Petition, setting forth, that he was kept a close Prisoner, &c.

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their Lordships would permit him the Liberty of his own House, upon this Security, To give into this Court the Names of such sufficient Persons as will be Bail for his forthcoming; who shall be bound in the full Sum of 40,000 *l.* or else he shall be committed to the Tower, and have the Liberty thereof.

April 26. Some Bills were read, and one Breach of Privilege complained of; after which the Collection of Offences committed by Sir Francis Mitchell, Copartner with Mompesson, with the Proofs thereof, was read, viz.

Charge against
Sir Francis Mitchell.

I. 'That he received an Annuity of 100 *l.* per Annum, to be continued for five Years, for executing the Commission, touching Gold and Silver-Thread. Proved by the Deed of the Grant thereof from Richard Dyke, and Sir Nicholas Salter, Knt. to him the said Mitchell, dated May 27, A. 17 Jac.

II. 'He and Henry Tweedy took upon them the Execution of the first Commission, touching Gold and Silver-Thread, and therein exceeded and abused their Power, by committing divers to Prison before Conviction, and by committing others for refusing to enter into Bonds required by them, and not warranted by the said Commission. Proved by the Depositions of several Persons, committed for refusing to be bound from following their free Trades.'

III. 'That there being a second Commission, touching Gold and Silver-Thread, granted, he alone committed divers to Prison, the Authority being given to two.'

IV. 'That he erected an Office, kept a Court, made Officers and divers unwarrantable Orders, and exacted Bonds for the Observance of the same. Proved by his Books of Orders, and the Bonds themselves, &c.'

V. 'That in a Suit between Foulks and Lake, in the Star-Chamber, he took of the latter three Broad-Pieces to compound the same. Proved by Lake.'

Sir Francis Mitchell being called to the Bar, was charged with the said Offences; and he made his
Answers

Answers unto them particularly. Some he denied, An. 19 James I. 1628. and others confessed; and then having Leave to speak for himself, he made a Discourse, ' Commending the first Commission of Gold and Silver-Thread; and that he misliked the second Commission, and would not have medled with it, if he could have avoided it: But *Mompesson* told him, weekly, that he had a Command from the King to do thus and thus; and what could he do to withstand *Mompesson*?' And then he was withdrawn.

His Defence.

Post Meridiem. *Matthias Fowlis* was brought to the Bar, and charged with many heinous Offences, in the Patent of Gold and Silver-Thread, &c. by false-dying and counterfeiting the same; which, having answered to, he was ordered again to the Bar the next Morning.

April 27. The Charge against *Fowlis* continued, and his Defence; which took up the whole Forenoon. Afterwards the Lords agreed to meet in their Robes, and give Sentence against *Sir Francis Mitchell*, in the Afternoon; and *Fowlis* was ordered to attend also.

Post Meridiem. Some Debate arose in the House, Whether *Sir Francis Mitchell* should be examined again, as to some Points, before Sentence? It was agreed he should. And, after some Questions about other Matters, he was particularly examined about *Sir Edward Villers*, *Buckingham's* Brother; who is named also by the Commons in their Declaration. He said,

' That he was told, by Hearsay, *Sir Edward Villers* was with *Sir Henry Yelverton*, about this Business of the Patent of Gold and Silver-Thread; but knows not for certain of any thing which *Sir Edward* said, or that *Sir Henry* wrote any Letters to the Lord Chancellor, about the Commitment of any Offenders against that Patent. He said that *Sir Henry Yelverton* committed three or four Silk-Men, as he hath heard; but he knows not whether *Sir Edward Villers* was present at the Commitment of the Silk-Men, or whether *Sir Edward* did threaten these Silk-Men; but adds, he hath heard that the

An. 19 James I. the said Sir *Edward* was accused of it; but he
1621. knows not by whom.

Petition of Sir
Henry Yelver-
ton.

April 28. After some Bills were read, and some other Business of less Moment done, the Lieutenant of the *Tower* was called on to bring in the Body of Sir *Henry Yelverton*, according to an Order of the House the 18th instant. The Lieutenant excused his not bringing the Prisoner, because he was so troubled with the Rheum and Toothach he was not able to speak. The Officer was sworn to this; and besides it was ordered, That the Earls of *Dorset* and *Warwick*, the Bishop of *Bangor*, the Lords *Hunsden*, *Walden*, and *Grey* should be sent to the *Tower* to view the Person of the said Sir *Henry Yelverton*, and examine the Truth of the Excuse delivered by the Lieutenant.

In regard that his Majesty, in a late Speech in this House, and said, 'That the Objections of the Writs of *Quo Warranto*, in the Business of the Inns, against Sir *Henry Yelverton*, was somewhat strange unto him,' it was moved in the House, That the Lords should endeavour to give his Majesty Satisfaction of the Reasons thereof. A Committee was therefore appointed to wait on his Majesty, at such Time as he should be pleased to admit them to his Presence; and to inform him, That the same was particularly objected against Sir *Henry*, in the Declaration of the Complaint of the Lower House to their Lordships; and to shew his Majesty the Number of them that were molested thereby, under the Hands of the Officers of the Crown-Office; and how few were legally proceeded against.

April 30. The Earl of *Dorset*, from the Committee appointed to go to inspect Sir *Henry Yelverton* at the *Tower*, reported, 'That they found him in his Bed, much swollen about the Face with the Rheum: That his Answer is ready; and that he hopes to be able, in two or three Days, to make his Appearance at the Bar.'

The Lord Chief Justice acquainted the Lords, that he had received from the Lord Chancellor, a
Paper-

Paper-Roll, sealed up; which being opened, was found to be directed to their Lordships, and was read.

To the Rt. Hon. the Lords Spiritual and Temporal in the High Court of Parliament assembled.

The CONFESSION and HUMBLE SUBMISSION of me the LORD CHANCELLOR.

UPON advised Consideration of the Charge, descending into my own Conscience, and calling my Memory to account as far as I am able, I do plainly and ingenuously confess, that I am guilty of Corruption, and do renounce all Defence, and put myself on the Grace and Mercy of your Lordships.

The Lord Chancellor Bacon's Confession of the Charge against him.

The Particulars I confess and declare to be as follows:

In this Confession the Chancellor repeats every particular Head of the Charge against him; but as that hath been given at large in the foregoing Pages, it is needless to insert it again here. We shall therefore only give his Answers to each Article, as they are put down in the Charge *seriatim*.

I. 'To the first Article he confessed, That upon a Reference from his Majesty, of all Suits between Sir Rowland Egerton and Edward Egerton, both Parties submitted to his Award, by reciprocal Recognizances in 10,000 Marks a-piece: That after divers Hearings, he made his Award with the Advice of Lord Hobart; and, some Days after, the Sums mentioned in the Charge were delivered to him from Sir Rowland. That, Mr. Edward Egerton, flying off from the Award, a Suit was begun in Chancery by Sir Rowland Egerton, to have the Award confirmed; and a Decree was made thereupon. That soon after his Coming to the Seal, when many presented him, he received the 400*l.* mentioned in this Article, of Mr. Egerton; but, as he remembered, it was for Favours past.'

His Answers to each Article thereof.

II. 'That

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II. ' That in the Cause between *Hody* and *Hody*, about a Fortnight after the Cause was ended, there were Gold-Buttons, about the Value of 50*l.* presented him.'

III. ' That in the Cause between the Lady *Wharton*, and the Coheirs of Sir *Francis Willoughby*, he received of the Lady *Wharton* 200*l.* in Gold, and, at another Time, an hundred Pieces, while the Cause was depending.'

IV. ' That he received of Sir *Thomas Monk* one hundred Pieces; but it was long after his Suit was ended.'

V. ' That he received of Sir *John Trevor*, as a New-Year's-Gift, 100*l.* but he confessed it was while his Cause was depending.

VI. ' In the Cause between *Holman* and *Young*, he received of *Young* an 100*l.* but it was long after his Cause was ended.'

VII. ' That while the Cause was depending between *Fisher* and *Wrenham* (or *Wraynham*) he did receive of Sir *Edward Fisher*, a Suit of Hangings of the Value of about 160*l.* towards furnishing his House; and was at the same Time presented by others, who were no Suitors, with Furniture for his House.'

VIII. ' As to the Charge of his receiving a Cabinet, of the Value of 800*l.* of Sir *John Kenne-day*; a Cabinet was indeed sent to his House by Sir *John*, but not of half that Value; but he refused to accept it, and was determined to send it back again: That one *Pinkney*, who stood engaged for the Money to pay for the Cabinet, desired he might have it; and thereupon Sir *John* entreated his Lordship, that he would not disgrace him by returning the Gift, much less put it into a wrong Hand; and that he was ready to return it to whom their Lordships should appoint.'

IX. ' He confessed he had borrowed 1000*l.* of *Valore*; but looked upon it as a Debt, and was obliged to repay it.'

X. ' He acknowledged his receiving 200*l.* of Mr. *Sest*, about a Fortnight after the Decree passed

passed for him : And that he received 100 *l.* of Sir An. 19 James 2.
John Lenthall, about a Month after the Decree 1621.
passed.'

XI. ' That the Cause between *Wroth* and *Manwaring* was ended by his Arbitrement, by Consent of Parties, and he received of Mr. *Wroth*, 100 *l.* about a Month after the Cause was ended.'

XII. ' That he received of Sir *Ralph Hansby*, while his Cause was depending, 500 *l.*

XIII. ' That he did borrow the 500 *l.* mentioned in this Article, of *Counton*; but looked upon it as a Debt which he was obliged to repay.'

' XIV. ' In the Cause between Sir *William Brounker* and *Aubrey*, he did acknowledge his receiving 100 *l.* of *Aubrey*.'

XV. ' He confessed he received Money of the Lord *Montagu*, while his Suit was depending, to the Amount of 6 or 700 *l.*

XVI. ' He confessed his receiving 200 *l.* of Mr. *Dunch*; but thought it was some Time after the Decree.'

XVII. ' He confessed his receiving 200 *l.* of Sir *George Reynel*, his near Relation, at his first Coming to the Seal, to be bestow'd in Furniture; but thinks this was before any Suit began : And as to the Diamond-Ring he received of him while his Cause was depending, charged to be worth 5 or 600 *l.* it was not of near that Value; though, he confessed, it was too much for a New-Year's-Gift : He also confessed his receiving of 100 *l.* of Mr. *Peacock*, at his Coming to the Seal, as a Present, and that he afterwards borrowed 1000 *l.* of him at twice; for which, he said, he would take no Security or Interest, and gave him his own Time for repaying it.'

XVIII. ' He confessed his Servant *Hunt* did receive 200 *l.* of *Smithwick*; but that he ordered it to be repaid.'

XIX. ' That he did receive of Sir *Henry Russel*, 3 or 400 *l.* about a Month after the Cause was decreed; in which Decree he was assisted by two of the Judges.'

XX. ' He

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XX. ' He confessed he received of Mr. Barker the 700 *l.* mentioned in this Article, some Time after the Decree passed.'

XXI. ' As to this Article, he confessed he received the Sums there mentioned, *viz.* of the Grocers, 200 *l.* of the Apothecaries, that stood with the Grocers, a Taster of Gold; worth 40 or 50 *l.* and a Present of Ambergrease; and of a new Company of Apothecaries, that stood against the Grocers, 100 *l.* But this was no judicial Business, he observed, only a Composition between the Parties; and he thought, as they all received Benefit by it, and were all three common Purse, there was no great Matter in receiving what they voluntarily presented.'

XXII. ' To this Article, in which he is charged with taking of the *French* Merchants, 1000 *l.* to constrain the Company of Vintners to take 1500 Tons of their Wine, with threatening and imprisoning the Vintners because they would not take their Wines at higher Prices than they were vendible, he confessed, Sir Thomas Smith did deal with him in behalf of the *French* Company, informing him, That the Vintners, by Combination, refused to take the Wines at any reasonable Prices, and that this would destroy their Trade, which the State was concerned in; and that the Company would gratify him with 1000 *l.* for the Trouble he should take in it. He did, he confessed, thereupon endeavour to compromise Matters between them, and prevent a Suit, propounding such a Price as the Vintners might gain 6 *l.* a Ton; and the King afterwards recommending the Business to him, as a Matter that concerned his Customs, he dealt the more peremptorily in it, and did, for a Day or two; restrain some of those that were the most stout, in a Messenger's Hands; and afterwards the Merchants presented him with a 1000 *l.*

XXIII. ' To this Article, That he had given way to the Exactions of his Servants, in respect of private Seals and Injunctions, he confessed it to be

be a great Fault, that he had looked no better to An. 19 James I.
his Servants. 1621.

He then concludes thus :

This Declaration I have made unto your Lordships with a sincere Mind, humbly craving, that if there should be any mistaking, your Lordships would impute it to want of Memory, and not to any Desire of mine to obscure Truth, or palliate any thing : For I do confess, that in the Points charged against me, altho' they should be taken as myself have declared them, there is a great deal of Corruption and Neglect ; for which I am heartily and penitently sorry, and submit myself to the Judgment, Grace, and Mercy of this Court. For Extenuations I will use none concerning the Matters themselves ; only it may please your Lordships, out of your Nobleness to cast your Eyes of Compassion upon my Person and Estate. I never was noted for an avaritious Man, and the Apostle says, that Covetousness is the Root of all Evil. I hope also that your Lordships do rather find me in the State of Grace ; for that in all these Particulars, there are few or none that are not almost two Years old ; whereas those that have a Habit of Corruption, do commonly wax worse and worse ; so that it hath pleased God to prepare me, by precedent Degrees of Amendment, to my present Penitency ; and, as for my Estate, it is so mean and poor, as my Care is now chiefly to satisfy my Debts.

And so, fearing I have troubled your Lordships too long, I shall conclude with an humble Suit unto your Lordships, That, if you proceed to sentence, your Sentence may not be heavy to my Ruin ; but gracious and mixed with Mercy ; and not only so, but that you would be noble Intercessors for me to his Majesty likewise for his Grace and Favour.

Your Lordships

Humble Servant and Suppliant,

FRAN. ST. ALBAN, Canc.

This Confession and Submission being read, a Committee of twelve Lords were appointed to go to the Chancellor, and shew him the said Confession,

Ans: To James I. fion, and tell him that the Lords do conceive it to be an ingenuous and full Confession. To demand of him also, Whether it be his own Hand that is subscribed to the same, and whether he will stand to it or no?

The Committee being return'd, reported, That they had shewn the Chancellor the Confession, and delivered the rest of the Message to him; who answered, *My Lords, it is my Act, my Hand, and my Heart, I beseech your Lordships to be merciful to a broken Reed.* Which Report being made, it was agreed by the House to move his Majesty to sequester the Seals, and to intreat his Highness, the Prince, that he would be pleased to do this; which his Highness readily condescended to; and the former Committee of Lords were appointed to attend him.

The Great Seal taken from him,

April 30, post Meridiem. His Royal Highness made a Report to the House, 'That, according to their Request, he, with the Lords that accompanied him, had moved his Majesty to sequester the Great Seal from the Lord Chancellor; whereunto his Majesty most willingly yielded, and said he would have done it, if he had not been moved thereto.'

Further Proceedings against Sir Henry Yelverton.

Sir Henry Yelverton was then brought to the Bar; when the Lord Steward inform'd the House, That his Majesty is satisfied concerning the charging Sir Henry, in this House, with the Matter of Inns and Hosteries. Then the Chief Justice read the Charge, which was made against him on the 18th of *April*, with his Answers thereto, and demanded of him, Whether he now would affirm those Answers? Unto which he replied, 'That the six Charges against him may be reduced into two; the one of Gold and Silver-Thread, the other of Inns and Hosteries. He humbly desired, therefore, that he might then answer to every particular Charge, *in serie Temporis.*

May 2. A new Commission from the King was read, constituting Sir James Ley, Knight, Lord Chief Justice of the King's Bench, to supply the Office

Office of a Lord Chancellor, or Lord Keeper of An. 19 James I.
the Great Seal, in the House of Lords. 1621.

Afterwards the Lord Treasurer acquainted the House, ' That he had his Majesty's Commands to deliver a Message to their Lordships of a double Nature ; first, an Account of what was done ; and, secondly, a Signification of what was to be done.

As to the first, his Highness had presented their Lordships Request to his Majesty, that he would be pleased, as the Case then stood, to command the Seal from the Lord Chancellor.

Accordingly, Yesterday, his Lordship, the Lord Steward, the Lord Chamberlain, and the Earl of Arundel, at the King's Command, went to the Lord Chancellor, and received from him the Great Seal, and deliver'd the same to his Majesty ; who, by Commission, hath appointed the keeping of it to him and the other Lords with him.

To the second, his Majesty hath commanded him to signify to their Lordships, ' That he understands Sir *Henry Yelverton*, being called here before them the other Day, as a Delinquent, answered not as such, but as a Judge or Accuser of a Member of this House, the Lord of *Buckingham*. And whereas, in his first Speech, here in this House, he touched the King's Honour ; saying, He suffered for the Patents of Inns, or to that Effect, he was so far from extenuating or excusing the Offence, that the last Day he had aggravated the same.'

' Wherefore his Majesty's Pleasure is, that Himself will be the Judge as to what concerns his own Person ; and, as to what relates to the Lord of *Buckingham*, since he had besought his Majesty that it might be left to the House, so he leaves it wholly to their Lordships.'

This Message being delivered, the Lords found by it, that the King intended to take the Judgment of Sir *Henry Yelverton* out of their Hands, as touching his own Honour ; his Majesty having been misinformed, that the Lords had referred it back to him : Wherefore a Motion was made, That the

An. 19 James I. 1621. House should be humble Suitors to his Majesty, that he would be pleased not to resume this out of their Hands, but give their Lordships Leave to continue Judges thereof. After some Debate, it was resolved, That a Committee of the whole House should attend his Majesty, at his Pleasure; and that the Archbishop of *Canterbury*, in the Name of the whole House, should deliver the following Message to him :

Whereas it has pleased your Majesty, in a late Speech to this House, to require us to do Justice upon Sir *Henry Yelverton*, in a Matter concerning your own Honour; since which Time some Words have been used in this House, which your Majesty conceives do rather aggravate than extenuate his Fault: Whereupon your Majesty did this Day signify by the Lord Treasurer, *That of what concerns your own Honour, yourself would be the Judge*: The Lords knowing your Majesty's Tenderness of the Privileges of this House, and their own Zeal unto your Majesty's Honour, do humbly beseech your Majesty to alter your Resolution; otherwise, this Change may strike some Fear into us, that we are not held so tender and zealous, in our dutiful Affections, in point of your Majesty's Honour, as we desire you should think us to be, and are most ready to yield due Proofs thereof.

Agreed to proceed to sentence the Lord Chancellor To-morrow Morning; therefore the Gentleman-Usher, and the Serjeant at Arms, Attendants of this House, were commanded to summon him to appear at the Bar by Nine o'Clock, and that the Serjeant shew him the Mace at the said Summons.

May 3. The Lord Chamberlain reported to the House, That his Majesty had ordered him to acquaint them, That he was pleased a Committee of this House should have Access to him, on the Business of Sir *Henry Yelverton*, on Sunday next, May 6, at Four in the Afternoon.

The Officers sent to summon the Lord Chancellor being returned, reported to the House, That, according

according to their Lordships Appointment, they had waited on him, but found him sick in Bed : That, notwithstanding, they delivered their Lordships Message to him ; who answered, ‘ That he was sick, and protested he feigned not this for an Excuse ; for, if he had been well, he would willingly have come.’

An. 19 James I.
1621.

The Lords resolved, however, to proceed against the Lord Chancellor ; and, the Attorney-General having read the Charge and Confessions, it was put to the Question, ‘ Whether the Lord Chancellor was guilty of the Matters wherewith he was charged ? ’ Agreed, *Nemine dissentiente*, ‘ That he was guilty.’ And to the End that the Lords might more freely dispute and resolve what Sentence to pass upon him for his said Offences, the House adjourned *ad libitum*.

After some Time, the Lord Chief Justice being returned to his Place, put another Question ;

‘ Whether the Lord Viscount *St. Alban*, Lord Chancellor, shall be suspended of all his Titles of Nobility, during his Life or no ? It was agreed, *per plures*, ‘ That he shall not be suspended thereof.’

The Sentence being agreed upon against the Chancellor, the Lords sent a Message to the other House, That they were ready to give Judgment against the Lord Viscount *St. Alban*, if they, with their Speaker, came to demand it.

In the mean Time the Lords put on their Robes, and Mr. Speaker being come to the Bar, after making three low Obeysances, delivered himself as follows :

The Knights, Citizens, and Burgeses of the Commons House of Parliament, having made Complaint unto your Lordships of many exorbitant Offences of Bribery and Corruption committed by the Lord Chancellor, we understand that your Lordships are ready to give Judgment upon him for the same. Wherefore, I, their Speaker, in their Names, do humbly demand Judgment against him, the Lord Chancellor, as the Nature of his Offences and Demerits require.

D d 2

An. 19 James I.
1621.

The Lord Chief Justice answered,
Mr. Speaker,

Upon the Complaint of the Commons against the Lord Viscount St. Alban, Lord Chancellor, this High Court hath thereby, and by his own Confession, found him guilty of the Crimes and Corruptions complained of by the Commons, and of sundry other Crimes and Corruptions of like Nature.

The Judgment
against the Lord
Chancellor
Bacon.

Therefore, this High Court, having first summoned him to attend, and having received his Excuse of not attending, by reason of Infirmities and Sickness, which he protested was not feigned, or else he would most willingly have attended; doth, nevertheless, think fit to proceed to Judgment. And therefore, this High Court doth adjudge,

1. *That the Lord Viscount St. Alban, Lord Chancellor of England, shall undergo Fine and Ransom of 40,000 l.*

2. *That he shall be imprisoned in the Tower, during the King's Pleasure.*

3. *That he shall, for ever, be incapable of holding any Office, Place, or Employment, in the State or Common-Wealth.*

4. *That he shall never sit in Parliament, nor come within the Verge of the Court.*

Then his Highness the Prince was intreated by the House, That, accompanied with divers Lords of this House, he would be pleased to present this Sentence given against the late Lord Chancellor unto his Majesty; which he readily consented to.

Thus this truly great Man, the Wonder of the Age he lived in, and of succeeding Ages, for natural and acquired Endowments, fell from the Pinnacle of State and Glory, never to rise again. His Profuseness and Liberality, much more than Covetousness, drew him into Wants, and into those mean Artifices, to supply them. He suffered, however, greatly for his Crimes here; for, though it be allowed that his Sentence was much milder than his Offences deserved; yet, in so noble a Mind, the bare Reflection on what he once was, must have been a constant Torment to his Soul.

This is best exemplified by his own Words, in a Letter to the King, wrote some Years after, praying his Majesty to release him from the Parliament's Sentence. To do as much Justice as possible to the Story of this great Man, the Letter itself, is thought proper to be added (1).

An. 15 James I.
1621.

The Lord BACON to the KING.

Most Gracious and Dread Sovereign,

BEFORE I make my Petition to your Majesty, I make my Prayers to God above, His Letter to the King. *Peccatore ab imo, that if I have ever held any thing so dear as your Majesty's Service, nay, your Heart's Ease and your Honour, I may be repulsed with a Denial. But, if that hath been the Principal with me, that God who knoweth my Heart, would move your Majesty's Royal Heart to take Compassion of me, and to grant my Desire.*

I prostrate myself at your Majesty's Feet; I, your ancient Servant, now sixty-four Years in Age, and three Years and five Months old in Misery. I desire not from your Majesty Means, nor Place, nor Employment; but only, after so long a Time of Expiration, a compleat and total Remission of the Sentence of the Upper House, to the End that Blot of Ignominy may be removed from me, and from my Memory with Posterity; that I die not a condemned Man, but may be to your Majesty, as I am to God, nova Creatura. Your Majesty hath pardoned the like to Sir John Bennet, between whose Case and mine, (not being partial to myself, but speaking out of the general Opinion) there was as much Difference, I will not say, as between Black and White, but as between Grey or Ash-coloured. Look down therefore, dear Sovereign, upon me also in Pity. I know your Majesty's Heart is inscrutable for Goodness; and my Lord of Buckingham was wont to tell me you was the best natured Man in the World; and it is God's Property that those he hath loved he loveth to the End. Let your Majesty's Grace, in this my Desire,

D d 3

(1) *Gabala, or Mysteries of State*, Fol. Ed. p. 62.

An. 19 James 1.
1621.

fire, stream down upon me, and let it be out of the Fountain and Spring-Head, and ex mero Motu; that, living or dying, the Print of the Goodness of King James may be in my Heart, and his Praises in my Mouth. This my most humble Request granted, may make me live a Year or two happily; and, denied, will kill me quickly. But yet, the last Thing that would die with me, will be the Heart and Affection of

July 30, }
1624. }

Your Majesty's

Most humble,

and true devoted Servant,

FR. ST. ALBAN.

This Letter had the desired Effect; for, not long after, the King directed the Attorney-General, *Coventry*, to draw out the Form of his Pardon; and, as this Warrant is also somewhat particular, it deserves no less Notice than the Petition (m).

Trusty and well-beloved, we greet you well.

In consequence of
which he obtains
his Pardon.

WHEREAS our right trusty and right well-beloved Cousin, the Viscount of St. Alban, upon a Sentence given in the Upper House of Parliament, full three Years since and more, hath endured Loss of his Place, Imprisonment, and Confinement also, for a great Time, which may suffice for the Satisfaction of Justice and Example to others: We being always graciously inclined to temper Mercy with Justice, and calling to Mind his former good Services, and how well and profitably he hath spent his Time since his Troubles, are pleased to remove from him that Blot of Ignominy, which yet remaineth upon him, of Incapacity and Disablement, and to remit him all Penalties whatsoever inflicted by that Sentence; having thereupon pardoned his Fine and released his Confinement: These are therefore to will and require you to prepare for our Signature a Bill containing

(m) *Cabala, or Mysteries of State*, Fol. Ed. p. 249.

containing a Pardon, in due Form of Law, of the whole Sentence; for which, this shall be your sufficient Warrant.

An. 19 James II.
1621.

But when the Pardon was made ready, the Lord Keeper, Bishop *Williams*, demurred to the Sealing of it; and, in a Letter to the Duke of *Buckingham*, gave these Reasons for it (n):

‘First, That his Majesty and the Duke did conceive that the Lord *St. Alban*’s Pardon and Grant of his Fine came both together to his Hands, because he was directed to pass them both together. But his Lordship was too cunning for him: He passed his Fine (whereby he deceived his Creditors) ten Days before he presented his Pardon to the Seal. So as now he found the Parliament-Fine excepted in his Pardon, which, before the Sealing of the same, he had obtained. And, whether the House of Lords would not hold themselves mocked and derided with such an Exception, he left to his Lordship’s Judgment; these two Grants being contradictory, in this Point, the one to the other.’

The Lord Keeper’s Objections against Sealing it,

‘Secondly, The King pardons, in particular Words, all Sums of Money taken for false Judgments and Decrees: And therefore the Exception of the Parliamentary Censure, being inflicted but for the same Cause, coming a good Way after it, was too late in Law; and will be of no Force to satisfy the Lords, since there is a Clause added which was never in any other Pardon.’

‘Thirdly, The King pardons the Lord *St. Alban* the stealing away, altering, and interlining of his Majesty’s Rolls, Records, and Briefs, &c. which are of more Consequence, in a Lord Chancellor’s Pardon, than the Embezzling of his Majesty’s Jewels in a Lord Chamberlain. And yet, the Lord Chancellor *Ellesmere* could not endure that Clause in the Earl of *Somerset*’s Pardon, unless the Jewels were particularly named.’

‘Fourthly, He would not meddle or touch upon those Mistakings which might fall between the

D d 4

King

(n) *Cabala, or Mysteries of State*, Fol. Ed. p. 263,

An. 19 James I.
1621.

King and Parliament, or the Misinterpretations that Enemies might make thereof to the Duke's Prejudice, because he saw the King, in his great Wisdom, did not regard them. He only wished the Pardon had been referred to the Council-Board, and there passed. Concluding, That he had discharged himself of these Scruples, in Respect only to the King's Service and the Duke's Honour, which had made this short Stay to the Pardon. But, whatever his Grace should now direct should be readily put in execution.'

Whether this Pardon was altered, on the Strength of the foregoing Reasons, is not mentioned; but it appears that Lord *Verulam* was not much better for it, in regard to his Fortune. He led a retired Life some few Years more; and died *April* 9th, in the Year 1626, and in the 66th of his Age. Thus much we thought proper to subjoin to the Catastrophy of this great Man's Fate; to whose Memory may be said, as it has been of another's,

—Thy Works, which ne'er will die, shall be
An everlasting Monument to Thee.

And Mr. *Pope* gives his Lordship this Character;
If Parts allure thee, think how BACON shin'd,
The wisest, brightest, meanest of Mankind (o).

But now to our Journals:

May 4. After two private Bills were read, a Message was sent to the Lower House to desire them to sit this Afternoon; for that the Lords would have Occasion to send to them on some Business of Importance. Accordingly, we find that the Offences, wherewith Sir *Francis Mitchell* was charged, being ready, and the Question being put, Whether the said Sir *Francis* be guilty of the Offences, or any of them, so charged upon him, that he is worthy to be censured? it was agreed, unanimously, that he was. Then another Message was sent to the Commons, That the Lords were ready to give Judgment against Sir *Francis Mitchell*, for many exorbitant Offences, of which they had found

(o) *Essay on Man*. Ep. iv. l. 283.

found him guilty; if they, with their Speaker, will come to demand it. The Speaker, being come up to the Bar, spoke as follows:

An. 19 James 2.
1621.

Whereas a Complaint, from the House of Commons, hath been exhibited against Sir Giles Mompeffon and Sir Francis Mitchell, for many Offences committed by them against the King and Common-Wealth; your Lordships have proceeded with Mompeffon, and given Judgment against him; and understanding that you are ready, also, to pronounce Judgment against Sir Francis Mitchell, I, the Speaker, in the Name of the Knights, Citizens, and Burgesses of the Commons House of Parliament, do demand and pray that Judgment may be given against the said Sir Francis Mitchell, according to his Demerits.

The Lord Chief Justice then pronounced Judgment in hæc Verba:

Mr. Speaker,

The Lords Spiritual and Temporal have taken into due Consideration the great Care and Pains, taken by the Commons, to inform their Lordships of the great Complaint, and the Quality and Nature thereof, presented unto them against Sir Francis Mitchell and others; wherefore their Lordships, being well prepared by them to the true Understanding of the same, have proceeded to the perfect Discovery thereof, (by Examination of divers Witnesses upon Oath) and do find, thereby, the said Sir Francis Mitchell clearly guilty of many great Crimes and Offences against his Majesty and the Common-Wealth, and have resolved, at this Time, to proceed against him for the same. Therefore the Lords Spiritual and Temporal of this High Court of Parliament do award and adjudge,

The Sentence
upon Sir Francis
Mitchell.

1. *That the said Francis Mitchell shall stand and be from henceforth degraded of the Order of Knighthood, with Reservation of the Dignity to his Wife and Children. The Ceremonies of Degradation to be performed by Direction of this Court to the Earl Marshal's Court.*

2. *That he shall be imprisoned during the King's Pleasure, in the Goal, in Finsbury Field, in the same Chamber*

An. 19 James L. Chamber which he provided for others; the Tower 1621. where he now remains being too worthy for him.

3. That he shall undergo a Fine of 1000*l*.

4. That he shall be disabled to hold or receive any Office, under the King, or the Common-Wealth.

Ordered to proceed to take Examinations against Sir *Jahn Bennet* To-morrow Morning.

Wilson writes, 'That this *Mitchell* was a poor sneaking Justice of Peace, that lived amongst the Brothels near *Clerkenwell*; whose Clerk and he lived by Contributions, annual and casual, raised from that Neighbourhood. And, being a very pestiferous Plant in his own Nature, he was brought to Court and knighted; and being corroborated by Letters Patent, he took the Liberty to be more ravenous upon poor People, to the grating of the Bones, and sucking out the very Marrow of their Substance (p).

Mr. *Camden* hath left us the Ceremony of this Man's Degradation; in which, according to his Office, he, probably, was an Actor (q). 'On the last Day of the Term, says he, at three in the Afternoon, Sir *Francis Mitchell* was brought by the Sheriffs of *London* to *Westminster-hall*. Presently after came the Commissioners for the Office of Earl Marshal, viz. the Duke of *Lenox*, the Marquis of *Buckingham*, and the Earl of *Arundell*; with several Barons that were Spectators. Sir *Francis Mitchell* is brought before these, and the Sentence of Parliament against him read, in an audible Voice, by a Pursuivant; his Spurs were hacked in Pieces by the Servants of the Earl Marshal and thrown away. Then the Silver-Sword, which ought to have been gilded, was taken from his Side, broke over his Head and thrown away. Last of all he was pronounced no longer to be a Knight, but a Knave; as was formerly done to *Andrew de Harclay*, when he was degraded in the Time of King *Edward II.*'

It

(p) In *Kennet*, Vol. II. p. 731.

(q) *Camden's Annals*, in *Kennet*, p. 657.

It may be observed of this *Mitchell*, That there was the *Lex Talionis* passed upon him, by the Sentence of imprisoning him in the same Prison he built for others: Neither was the Sentence, at all, mitigated by the King, for he continued there to the End of his Days.

An. 19 James I.
1621.

—————*Nex Lex est justior ulla,
Quam Necis Artifices Arte perire sua.*

May 5. Three and twenty Witnesses were sworn before the Lords, in the Prosecution against Sir *John Bennet*; and several private Bills being read, ‘The House was moved to take into Consideration an Act, lately done by the Commons, in convening before them the Person of one *Edward Lloyde*; in examining of Witnesses, giving Judgment upon him, and entering it as an Act of their own. That this Proceeding trenched deep into the Privileges of their House, for that all Judgments do, properly and only, belong unto the Lords. Therefore, it was resolved not to suffer any thing to pass, which might prejudice their Right in this Point of Judicature; and yet, so to proceed, as that the Love and good Correspondency between both Houses might be continued.’

Proceedings in
the Commons
against *Edward
Lloyde* for scan-
dalizing the
Princes Palatine;

The Commons had been some Time in examining Witnesses against this *Lloyde*; and, having sufficient Proof of his speaking the Words he was accused of, on the first of *May* proceeded to give Judgment against him. Many Arguments ensued on what Punishment to inflict upon him; and, amongst the rest, Sir *Edwin Sandys* said, ‘That the House ought to be well advised, since there was much Difficulty in the Case: That their Sentence would be censured in a great Part of the *Christian* World: That the Root of this Man’s Malice was Ill-Affection to Religion, and, consequently, to the State. There were but two eminent Persons, before, *viz.* King *Edward VI.* and Queen *Jane*, who had escaped the virulent Tongues of Opposites in Religion. This Lady *Elizabeth* was the third, who
was

An. 19 James I. was much praised by all her Enemies (r). That he
1621. was for joining with the Lords in this Proceeding;
was it not for the great Business they had, and should
soon bring before them:—In the Sentence, not to
meddle with his Religion, but his Offence in Tongue;
for that would make him be canonized: That the
Words he had spoken were Words of Contempt,
not of Slander; therefore to punish him with as
much Contempt as may be, &c.’

On the whole, the Commons agreed on a Sentence, which the Speaker denounced against the Offender, kneeling at their Bar; which Sentence was ordered to be entered in their Journals. And, that the Reader may the better understand the Business, we give it in its own Form, as follows:

They pass Sentence against him.

Be it remembered, that, upon Tuesday, the first Day of May, in the Year of the Reign of our Sovereign Lord James, by the Grace of God, King of England, &c. the nineteenth; Edward Lloyd, late of Clannemayne, within the County of Salop, Esquire, was impeached before the Commons assembled in this Parliament, for that the said Edward, sithence the Summons of this Parliament, in the Prison of the Fleete, having Communication concerning the most illustrious Princess the Lady Elizabeth, only Daughter of our said Sovereign Lord, and the most excellent Prince her Husband, did use and utter, openly and publicly, false, malicious, and despiteful Speeches, of the said two Princes; saying in this Manner, ‘I have heard, that Prague is taken; and Goodman Palsgrave and Goodwife Palsgrave have taken their Heels, and run away; and, as I have heard, Goodwife Palsgrave is taken Prisoner;’ and that those Words were spoken by him, in most despiteful and scornful Manner, with a sneering and scoffing Countenance, and with a Purpose to disgrace, as much as in him lay, those two Princes; and that at other Times he did, in like despiteful and reproachful Manner, use other malicious and opprobrious Words

(r) The Princess Palatine, the King Daughter. But this is further explained in the Sequel, under the Proceedings of the 26th of May.

Words of them. Whereupon the said Commons, of An. 19 James I. 1621.
 their Love and Zeal to our said Sovereign Lord, and not minding to let pass unpunished those Things, that tended to the Disgrace of his Majesty's Issue, a Part of himself, who is Head of the Parliament, did call before them the said Edward Lloyde, and thereof did question him; and thereupon so far proceeded, that after, upon the same Day, for that the said Matters, whereof the said Edward was impeached, were true and notorious, therefore the said Commons, in the Commons House assembled in Parliament, did adjudge and award, that the said Edward Lloyde should be returned that Night Prisoner to the Fleet, where before he remained in Prison, and to lie that Night in a Place there, called Bolton's Ward; and shall, the next Morning, be brought to Westminster, into the great Yard before the Door of the great Hall of Pleas, and be there set, and stand, upon the Pillory, from nine until eleven of the Clock, in the Forenoon, with a Paper upon his Hat, with this Inscription, in capital Letters, of these Words; 'For false, malicious, and despiteful Speeches, against the King's Daughter, and her Husband;' and from thence shall presently ride to the Exchange within the City of London, upon a Horse, without a Saddle, with his Face backwards towards the Horse's Tail, holding the Tail in his Hand, with the former Paper on his Head; and be there again set, and stand, upon the Pillory, two Hours; and from thence shall ride, in like Manner, to the Fleet, and there to remain until the next Friday Morning; and, on that Morning, to ride, in like Manner, into Cheapside, in the City of London, and there shall be set, and stand, upon the Pillory, with the former Paper and Inscription, by the Space of two Hours, that is, from ten until twelve of the Clock in the Forenoon of that Day; and ride back to the Fleet, in like Manner as before: And that there is set, and assessed upon him, a Fine of One Thousand Pounds.

This Proceeding the Lords judged to be a great Which the Lords deem a high Infringement of their Privileges; and, on the Day afore said, after mature Deliberation of the Matter, their Privileges.
 the

AN. 19 James I.
1621.

A Conference
thereupon.

the Lords sent a Message, in Writing, to the Commons, by two of the Judges, importing, that,

'The Lords, during all this Parliament, have had much Contentment in the good Correspondency that hath been between both Houses: That their Lordships have an earnest Affection, and an assured Confidence of the happy Continuance of it to the End; with a full Resolution of all possible Endeavours, on their Parts, tending thereunto. Their Lordships having heard of a Censure lately passed in that House, against one *Edward Lloyd*, are desirous of a Conference for the Accommodation of that Business, in such sort as may be without any Prejudice to the Privileges of either House. This Conference they desire, if it may stand with the Occasions of that House, may be between the whole Houses, at three in the Afternoon, in the *Painted-Chamber*; with Power to each Committee to treat and confer freely, and to understand each other's Reasons.'

To the end that the Lords might agree amongst themselves, in what Manner to proceed at the said Conference, the House adjourned *ad libitum*; and, being returned, it was resolved that the Archbishop of *Canterbury* should begin, and the Lord Treasurer, the Lord Chamberlain, and the Earl of *Southampton*, should argue and dispute about it.

Answer returned from the Commons, by Sir *Lyonel Cranfield*, and others.

'The Knights, Citizens, and Burgesses of the House of Commons, have commanded me to let your Lordships understand, that they take great Comfort in the Message which your Lordships let them, and desire the happy Continuance of the Love and Unity of both Houses. Their whole House, as a Committee, will attend your Lordships at the Conference desired, and at the Time and Place appointed.'

Post Meridiem. After consulting a Precedent shewn their Lordships by Mr. Serjeant *Crew*, *An. 1, Henry IV.* which proved, That the Commons were not Judges in Parliament; but that Judicature belongs

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longs unto the King and Lords alone (s); the whole House went, as a Committee, into the *Painted-Chamber*. And, being returned, the House was resumed; when it was agreed, that the Judges and King's Council should make a Report of the Collections of what the Commons alledged for their Right of Judicature. Adjourned.

May 7. Thirty-one more Witnesses were sworn before the Lords in the Cause against Sir *John Bennet*. Then the Archbishop of *Canterbury* reported, 'That Yesterday, according to the Direction of the House, he presented their Lordships Petition unto the King, humbly desiring that his Majesty would be pleased that this House might continue Judges of Sir *Henry Yelverton*, for the Matter concerning his Majesty's Honour.' At which Time his Majesty said, 'That, in Example of that most famous Queen *Elizabeth*, when this whole House was Suitors to her, he must return Answer, Answerless (t).' But that this Morning his Majesty's Answer was, 'The Lords knowing they enjoy their Honours from him, and under him, he doubts not but they will be more tender of his Honour for that Cause; therefore he doth return back unto their Lordships the whole and final ordering of that Business of Sir *Henry Yelverton*.'

The Lords having considered the Precedents alledged by the Commons, at the last Conference, do find that they tended to prove,

1. 'That the House of Commons is a Court of Record.'

2. 'That they have administered an Oath in Matters concerning themselves.'

3. 'That they have inflicted Punishments on Delinquents, where the Cause has concerned a Messenger of their House, or the Privilege thereof.'

Their Lordships determined, 'That the Question, at this Time, is not, Whether that House be a Court of Record; nor whether the Oath by them alledged to be ministred, in a Matter concerning that House, was given by the House, or by a Master in

(s) See Vol. II. p. 52.

(t) Vol. IV. p. 298.

AN. 19 James I. in Chancery, then one of their Members; nor
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whether they have a Right of Judicature in Matters concerning themselves? But the Question is, Whether that House may proceed to sentence any Man, who is not a Member of their House, and for a Matter which does not concern them, for which the Commons alledged no Proofs, nor produced any Precedents? Therefore their Lordships agreed to pray a Re-conference about the same; and, at the said Conference, to stick to this only, 'That the House of Commons have no Power of Judicature, no Coercion against any, but in Matters concerning their own House.'

May 8. Thirteen more Witnesses sworn, before the Lords, in the Cause of Sir *John Bennet, &c.* Then the Lord Chamberlain declared, 'That the King had commanded him to acquaint their Lordships, in Addition to what was delivered to them, Yesterday, by the Lord Archbishop of *Canterbury*, 'That altho' nothing is so dear unto him as his Honour; yet, as before, so he doth now, put in- to their Lordships Hands the Cause of Sir *Henry Yelverton*, not mistrusting their Affections to him, nor their Judgments.'

Further Proceed-
ings against Sir
Henry Yelver-
ton.

One *Thomas Emerson* was examined, touching a Message he brought to Sir *Henry Yelverton* from *Mompesson*; which Sir *Henry* alledged in his Speech here of the 18th of *April* last, 'That the said Sir *Henry Yelverton* was not to keep his Place of the King's Attorney-General long, if he withstood the Proceedings in the Writs of *Quo Warranto* for the Inns.' *Emerson* said,

'I never delivered any Message to Sir *Henry Yelverton* from *Giles Mompesson*; but I delivered him some Speech by way of Advertisement, not by way of Message, as it passed from *Mompesson* to me concerning him; which I confess *Mompesson* delivered to me as a Message to be carried to Sir *Henry*, and what he told me was to this Effect; That there was a Business concerning Sir *Edward Villiers*, of the Mint-Master's Place in the *Tower*; one pretends a former Grant; the rest of the King's Council

Council had, or would deliver their Opinions, that the former Grant is void in Law, and the Party unfit to execute the Place; only Mr. Attorney-General opposed this: But, if he takes these Courses, and refuses to concur with the rest of the King's Council, to certify his Opinion in Things that are honest, convenient, and agreeable to Law, he must not think to be Attorney a Month to an End, and tell him so.' I answered, 'You will not have me tell him so. Yes, said *Mompesson*; I pray you do it. And, after Supper, I took him aside, and asked him whether he would have me deliver that Message to Sir *Henry Yelverton*, or no? He answered, Yes, by all Means, if you love him.'

'When I imparted this to Sir *Henry Yelverton*, he answered me, 'This cannot be true; for I never was on better Terms with my Lord of *Bucks* than now; and Sir *Edward Villiers* is one of the best Friends I have; and this very Suit I recommended to him by Means of one *Palmer*.'

'Sir *Henry Yelverton*, either by Word or Writing, acquaints Sir *Edward Villiers* with this, as I heard; and Sir *Edward* was discontented with *Mompesson* about it: Whereupon *Mompesson* came to me to know whether I had been with Mr. Attorney, and wished I had not imparted this Message to him. He told me Sir *Edward Villiers* was much discontented with him; but he began to waver it at first, tho' he afterwards confessed he had sent me to tell Mr. Attorney of it. Some Time after *Mompesson* went with me to Sir *Henry Yelverton*, and acknowledged the Speeches which were delivered by me; and they seemed to be well satisfied with each other, and departed Friends, as far as I could perceive.'

'Since which Time I never spoke with Sir *Henry Yelverton*, but upon one Business; nor had I ever any Speech with him, concerning the Patent of Inns, nor the granting of any *Quo Warranto*; neither hath this Message any Relation to the Patent of Inns or *Quo Warranto*; neither did I ever hear of any Message to him touching the Lord of *Bucks*.'

All this *Emerson*, upon Oath, affirmed to be true;

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Then

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Then the Lords directed the Attorney-General to open to the House, as well the first Speech as the second, (because his Majesty thought that Sir *Henry Yelverton* had by his second Defence aggravated the former) who, coming up to the Clerk's Table, read Part of the Copy of the first Charge upon him; and his Notes for Answers, wrote in the Margent thereof by him. Also, the Notes taken of Sir *Henry's* second Speech, which was sent to the King; and which he said he did speak in the House, or would have spoke if he had been permitted. But, the Morning being far spent, the Lords determined not to proceed against him then, but take another Time to consider upon what Point of those Speeches to think him worthy of Censure.

Post Meridiem. The House being to meet the Commons at the Re-conference, this Afternoon, concerning the Judicature in which the Lords conceived the others had trenched into their Liberties and Privileges; and wherein their Lordships were not satisfied with the Precedents alledged by the Commons, at the former Conference, in their Defence thereof: Yet being desirous to continue that good Respect and Correspondency which hath been all this Parliament between both the Houses, they thought proper to order, That the Archbishop of *Canterbury* should begin the Introduction to the Conference, and propound any thing that might tend to a gentle Ending of the same. And, that if the Commons would agree to a Sub-Committee to end this Business, then the Archbishop, the Lord Admiral, the Lord Chamberlain, the Earls of *Arundell* and *Southampton* were appointed for that Purpose. And it was further agreed, That this Sub-Committee should be limited not to yield to any thing, in point of Judicature, which they of the Commons have done, lest it may in Time become a Precedent to wrong the Privileges of the Lords.—The Commons agreed to a Sub-Committee to end this Difference.

May 12. The Archbishop of *Canterbury* reported the Conference held Yesterday between the Sub-

Sub-Committees of both Houses, to this Effect: An. 19 James I. 1621.
 First, ' The Commons shewed their constant Resolution to maintain the Love and good Correspondency between the two Houses. Secondly, Their Resolution not to invade the Privileges of this House, that have dealt so nobly with them: Lastly, That out of their Zeal they sentenced *Lloyde*; but they leave him to the Lords, with an Intimation of their Hope that this House will censure him also. Then they proposed a Protestation to be entered with the Lords for a Mean to accommodate the Business between them.

Report from the Sub-Committees on occasion of the Commons having passed Sentence on Edward Lloyd.

A Protestation was immediately drawn up and agreed to, in these Words; *That the Proceedings lately passed in the House of Commons, against Edward Lloyd, be not at any Time hereafter drawn or used as a Precedent, to the Enlarging or Diminishing of the lawful Rights or Privileges of either House: But, that the Rights and Privileges of both Houses, shall remain in the self same State and Plight as before.* — This Protestation is also entered in the *Journals* of the Commons, without any Addition or Alteration by them.

The Commons yield the Point of Judicature to the Lords.

Some Regulations being made in regard of the further Proceedings in Sir Henry Yelverton's Cause, he was ordered to be brought to the Bar, to answer for himself, on *Monday* next, *May 14.* The King's Council were to make a Collection of the Words he spoke in this House, to confer with the Judges about them; and to deliver their Opinion of them, before Sir Henry be set to the Bar. The King's Council were also ordered to enforce the Words against him.

May 14. The Lord Treasurer delivered a Representation of Sir Henry Yelverton's Case, as presented to the King; with his Majesty's Pleasure signified that it might be read in the House. The Substance of which was as follows:

SIR Henry Yelverton, in *Michaelmas* Term last, was sentenced in the *Star-Chamber* for Breach of Trust, in the unwarrantable passing of a Charter

Sir Henry Yelverton's Case.

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ter to the City of *London*; tending to the Dishonour of his Majesty, both in Matter of kingly Power and high Prerogative, and also, in Matter of Revenues and Profits of the Crown; to the Oppression and Grievance of the Subject, by raising of excessive Fees and Exactions.

‘ The Sentence consisted of these three Parts :
1. Imprisonment in the *Tower*, 2. A Fine of 4000*l*. 3. A Declaration of Disability and Unfitness to hold the Place of Attorney-General. Under this Sentence Sir *Henry Yelverton* suffers at this Day; for, he is a Prisoner in the *Tower*; removed from the Place of Attorney; and the Fine is leviable upon him at his Majesty’s Pleasure.’

‘ That, on the 18th of *April* last, he was brought to the Bar in Parliament; and being there charged, *inter alia*, with some Miscarriages, touching the Patent of Inns, he said, If ever he had deserved well of his Majesty, it was in that; adding, That the King and Subjects were more abused by that Patent than by any other, and that he suffers at this Day, as he takes it, for that Patent.’

‘ *April* 30. He was again brought to the Bar, and spoke as follows :

‘ I cannot but present myself this Day, before your Highness and my Lords, with much Fear and more Grief; for I am compassed with so many Terrors from his Majesty, as I might well hide my Head with *Adam*. His Majesty’s Displeasure wounds me more than the Consciousness of any Faults; yet, I had rather have died than that the Common-Wealth should receive so much as a Scratch from me.’

‘ I, that in none of my Actions feared the great Man, in whom they (Sir *Edward Villiers* and Sir *Giles Mompesson*) did depend; much less would fear them who were but his Shadows. But, my most noble Lords, knowing that my Lord of *Buckingham* was ever at his Majesty’s Hand, ready, upon every Occasion, to hew me down, out of the honest Fear of a Servant, not to offend so gracious a Master,

Master, as his Majesty hath ever been to me, I did commit them, viz. the Silk-Men.'

'As to the Patent of Inns, I cannot but herein bemoan my Unhappiness, That in the last Cause labouring by all Means to advance the Profit of his Majesty; and, in this, with the Sight almost of my own Ruin, to preserve his Majesty's Honour and the Quiet of the People, I am yet drawn in Question as if I had equally dishonoured his Majesty in both.'

'When Sir *Giles* saw I would not be moved to offend his Majesty by his Directions, I received a Message from Mr. *Emerson*, sent me by Sir *Giles*, That I would run myself upon the Rocks, and that I should not hold my Place long, if I did thus withstand the Patent of Inns, or to that Effect. Soon after came Sir *Giles* himself, and, like a Herald at Arms, told me that he had this Message to acquaint me with from my Lord of *Buckingham*, That I should not hold my Place a Month if I did not conform myself in better Manner to the Patent of Inns; for my Lord had obtained it by Favour, and would maintain it by his Power.'

'How could I but startle at this Message? I saw here was a great Assuming of Power to himself, to place or displace an Officer at his Pleasure. I saw myself cast upon two main Rocks; either, treacherously to forsake the Standing his Majesty had set me on, or else, to endanger myself by a By-blow, and to hazard my Fortune.'

'I humbly beseech your Lordships to think that Nature will struggle, when she sees her Place and Means of Living thus assaulted; for now it was come to this, Whether I would obey his Majesty or my Lord, if Sir *Giles* spoke true. Yet, I resolved in this, to be as stubborn as *Mordecai*, not to stoop or pass those gracious Bounds, his Majesty had prescribed me.'

'Soon after, I found the Message, in Part, made good; for all the Profits, almost, of my Place were diverted from me, and turned into an unusual Channel, to one of my Lord's Worthies; that I

Ap. 19 James I. retained little more than the Name of an Attorney.
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It was so fatal and so penal, that it became almost the Loss of a Suit to come to me; my Place was but as the Seat of Winds and Tempests,'

'Howbeit, I dare say, if my Lord of *Buckingham* had read the Articles exhibited, in this Place, against *Hugh Despenfer* (u); and had known the Danger of placing and displacing Officers about a King, he would not have pursued me with such Bitterness. But, my Opposing his Lordship in the Patent of Inns, in the Patent of Alehouses, in the *Irish* Customs, and in Sir *Robert Naunton's* Deputation of his Place in the Court of Wards, have been my Overthrow. For these I suffer at this Day in my Estate and Fortune, (not meaning to say, as I take it, but as I know, for my Opposition to his Lordship) above 20,000*l.* (*) I know well that I suffer unjustly, in my Restraint, for my Offence, by his Lordship's Means: For my Heart tells me I was ever faithful to his Majesty; I sought no Riches but his Grace.'

The foregoing Minutes of Sir *Henry Yelverton's* Case being read, he was brought to the Bar, where Serjeant *Crew* and Mr. Attorney-General opened the Charge against him; and shewed, That those Speeches did directly point to the Lord Marquis of *Buckingham*, and, by Consequence, fastned a Scandal on his Majesty. Sir *Henry*, having Leave, explained himself touching the said Speeches, and made his Defence to the Charge, which was very long. Afterwards, he was ordered to withdraw, and to be brought again to the Bar To-morrow in the Afternoon.

The Lords resolve to censure him.

May 15. The Affair of Sir *Henry Yelverton* came on again; when the Question being put, 'Whether the said Sir *Henry* is worthy to be censured, for Words spoken by him in this House, which touched the King's Honour?' it was agreed he should, *Nemine dissentiente*. Afterwards they agreed

(u) See Vol. I. p. 161. Anno 14. Ed. II.

(*) What follows is omitted in *Rushworth*, but supplied from the *Lords Journals*.

AN. 10 James 2.
1622.

agreed what Sentence should be passed upon him :
1. For Matters touching the King's Honour. 2. For the Scandal on the Marquis of *Buckingham*, Lord Admiral. 3. For the Matter of Complaint against him by the Commons. But the Day being far spent in settling this Affair, the Lieutenant of the *Tower* had Orders to bring up the said Sir *Henry Yelverton*, at nine the next Morning.

May 16. Several more Witnesses sworn in the Cause against Sir *John Bennet*; after which two public Bills were read, and then the House proceeded to give Sentence against Sir *Henry Yelverton*; the Memorial of which is entered in these Words :

WHEREAS, on the 14th Day of *May*, Sir *Henry Yelverton* was charged at this Bar, That in the Term of *St. Michael* last past, for Breach of Trust and Misdemeanors by him committed, whilst he was Attorney-General to his Majesty, viz. for drawing without Warrant a Charter unto the City of *London*, tending as well to his Majesty's Disherison, as to the Grievance and Oppression of the Subject; was sentenced by the Court of *Star-Chamber* to be a Person unfit to exercise or hold the Office of Attorney-General; and was further adjudged to be imprisoned in the *Tower*, and to pay a Fine of 4000*l.* to his Majesty. The said Sir *Henry Yelverton*, being by Force of the said Sentence imprisoned and still liable to pay the said Fine, was, upon the 18th of *April* last past, brought to the Bar of this High Court, and charged with some Complaints of the Commons, with some Miscarriages concerning two Patents, the one for making Gold and Silver-Thread, the other for the licencing of Inns and Hosteries; and being required to make Answer thereto; touching the last, he said, ' That if ever he deserved well of his Majesty it was of that Matter. That the King and Subjects were more abused by it than by any other; and that he suffered at that Day for opposing that Patent, as he took it.'

The Memorial of
the Sentence
against him ;

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‘ And having the Favour of this High Court to be advifed of his Answer to the 30th of the ſame Month, and coming again to the Bar, the ſaid Sir *Henry Yelverton* made a long and large Answer to the Particulars of this Charge, as touching the ſaid Patents; and in his Answer uttered divers Speeches, by which he attributed all the Effects of that Sentence, viz. his Sufferings, his Hindrances, which he eſteemed to the Value of 20,000*l.* his Ruin and his Overthrow, unto his Oppoſition againſt that Patent of Inns and Hoſteries; to the great Scandal of his Maſteſty in point of Honour and Juſtice. And the ſaid Sir *Henry Yelverton* in his Answer uttered ſeveral other Words of Scandal; which, though directly and immediately pointed at the Lord Marquis of *Buckingham*, Lord High Admiral of *England*, charging his Lordſhip with Matter of Oppoſition againſt the ſaid Sir *Henry Yelverton*, to his Hindrance, Ruin, and Overthrow; yet, by Conſequence, the ſame Words reached his Maſteſty, and faſtned a Scandal upon his Highneſs, intolerating and giving way to thoſe Courſes, ſuppoſed by the ſaid Sir *Henry Yelverton* to be injuriouſly wrought by the ſaid Lord Marquis; glancing, and, in a Sort, reſembling them to the Actions of *Hugh Deſpenſer*, and comparing himſelf to *Mordecai*. After this the ſaid Charge was fully opened and preſſed by his Maſteſty’s Council, the honourable Court hearing the Defence and Examinations of the ſaid Sir *Henry Yelverton* to the ſame; but the Day being far ſpent, their Lordſhips did forbear to proceed to a Sentence or Judgment at that Time.’

‘ Afterwards the Lords Spiritual and Temporal, on the 15th of *May*, after long and ſerious Deliberation and Conference, and upon due weighing of the Speeches and Words ſpoken before their Lordſhips in this High Court of Parliament, did with one Aſſent, no Man diſagreeing, reſolve, That the ſaid Sir *Henry Yelverton* was worthy to be censured by this Court, for Words ſpoken by him in this Houſe, which did touch the King in Honour; and did then alſo agree what Censure to paſs upon him

him for the same ; but the Day being again far An. 19 James I.
spent, they proceeded not to Judgment at that 1621.
Time, but ordered the said Sir Henry Yelverton to
be brought to the Bar this Day to hear the same ;
who being then at the Bar and the Lords in their
Robes, the Lord Chief Justice pronounced the
Judgment *in hæc Verba* :

*The Lords Spiritual and Temporal of this High
Court of Parliament do award and adjudge,*

1. *That he, the said Sir Henry Yelverton, for For slander-
ing his Speeches uttered in this Court, which do touch the the King ;
King's Majesty in Honour, be fined to the King's Ma-
jesty Ten Thousand Marks.*

2. *That he shall be imprisoned in the Tower dur-
ing the King's Pleasure.*

3. *That he shall make such Acknowledgment of his
Fault, and such Submission to his Majesty, as shall be
prescribed unto him by this Court. The same to be made
here at the Bar, either in the King's Presence, or, in
his Absence, at the King's Pleasure.*

This Judgment being given against the said Sir
Henry Yelverton, for his said Speeches, which touched
his Majesty in Honour ; and the Prisoner being
withdrawn, the Lords took into their Consideration
‘ That the said Words and many others spoken
here in this House, at the same Time, by the said
Sir Henry Yelverton, did directly tend to the Scand-
al of the Marquis of Buckingham, Lord High
Admiral of England ; and therefore, by their
Lordships Appointment, the said Sir Henry Yel-
verton was called in again, brought to the Bar, and
was charged with the same scandalous Speeches by
the King's Serjeant and the Attorney-General.
And, whereas, the greatest Matter of Averment,
on his Part, did depend upon a Message which the
said Sir Henry Yelverton did affirm was delivered to
him by Mr. Thomas Emerson, from Giles Mompes-
son ; the Depositions of the said Emerson taken
here in Court the 8th Day of May, were read by
the Clerk, wherein the said Emerson did, upon his
Oath, absolutely deny the said Message : And the
said

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said Sir *Henry Yelverton* having Leave to speak for himself, without Interruption, did not give the House any good Satisfaction for the scandalous Speeches here by him uttered against the said Lord. Wherefore, he being withdrawn from the Bar, and the said Marquis also having withdrawn himself out of the House, the Lords having long debated the Matter, resolved, That the said Sir *Henry Yelverton* was worthy of Censure, for his false and scandalous Words; and, being fully agreed about it, the Lord Marquis and the Prisoner were called in again, when the Lord Chief Justice pronounced Sentence against him *in hac Verba* :

The Lords Spiritual and Temporal of this High Court of Parliament do adjudge and award,

And for aspersing
the Duke of
Beckingham.

1. *That Sir Henry Yelverton, Knt. for his false and scandalous Words, uttered in this High Court of Parliament against the Lord Marquis of Buckingham, Lord High Admiral of England, shall pay 5000 Marks unto the said Marquis.*

2. *That he shall be imprisoned.*

3. *That he shall make such Submission, in this Court, to the Lord Marquis, as this Court shall prescribe.*

This Judgment being given, the Lord Marquis freely remitted unto the said Sir *Henry Yelverton*, the said 5000 Marks, for which Sir *Henry* returned his most humble Thanks to his Lordship. The Lords also agreed to move his Majesty to mitigate Sir *Henry Yelverton's* Fine, and his Royal Highness the Prince offered to undertake that Office.—It is also very remarkable that no Censure was passed upon him, on Account of the Complaint exhibited against him by the Commons; nor does it appear that they ever resented the Omission.

But he is soon
after pardon'd.

Soon after the King wholly relinquished the Fine due to him from Sir *Henry* on the Sentence; he was set at Liberty; reconciled to the Marquis; and was esteemed, says *Rushworth* (x), a Man *valde eruditus*

(x) Vol. I. p. 34.—This Gentleman was Author of *The Reports*; his Father was Speaker of the House of Commons, Anno 1597; (see Vol. IV. p. 411) and his Descendant is now Earl of *Suffex*, Viscount *Longueville*, &c.

eruditus Leges, in his Time.—In the succeeding Reign he was made a Judge of the Common Pleas (y). An. 19 James I.
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A Message from the Commons to put their Lordships in Mind of the Complaint against the Lord Bishop of *Landaff*, for an Offence proved to the House of Commons, by the Testimony of *Randolph Davenport* and divers other Witnesses. Wherefore the Commons demand Judgment against him for the same. *Answer.* The Lords have been busied with many Matters of great Importance; but they shall hear from them shortly touching the said Complaint. The Commons remind the Lords of their Complaint against the Bishop of Landaff.

May 18. Both Houses, by mutual Consent, adjourned to the 24th on account of *Whitsuntide*.

May 24. Several public and private Bills read.

May 25. After some other Business, the Lord Archbishop of *Canterbury*, first of the Committee appointed by the House to take Examinations in the Cause of *Edward Lloyd*, reported that they had taken several, and were satisfied of the Proof of the Crimes objected against him; and moved the House, that Mr. Attorney-General might read the said Examinations. Accordingly, the Deposition of six several Persons were read, and then it was ordered, that *Lloyd* should be brought to the Bar the next Morning, in order to proceed to Judgment against him.

May 26. This Day, *Edward Lloyd* being set to the Bar, the Attorney-General charged him with notorious Misdemeanors and high Presumption:

I. 'In rejoicing at the Losses which had happened to the King's Daughter and her Children.' Proceedings against Edward Lloyd before the Lords.
II. 'For discouraging of others who bear good Affection unto them.'

III. 'For speaking basely of them.'

IV. 'For taking upon him to judge of the Rights of Kingdoms.'

To the first, Mr. Attorney shewed, 'That, in December last, *Edward Lloyd*, being Prisoner in the Fleet, having heard that *Prague* was taken, did upon

(y) *May 10, 1625, An. 1 Car. I. Chronica Juridicialia.*

An. 19 James I. 1621. upon all Occasions shew himself joyful and glad of that Calamity and Affliction which had happened to the Prince and Princess *Palatine*, the King's only Daughter and her Children.'

As to the second, the Attorney said, ' That *Lloyde* relating unto one *Henry Pennington* the Loss of *Prague*, with the Captivity of the King's Son-in-Law, his Daughter and her Children ; he the said *Pennington* wishing that himself and all the convenient Men of the Kingdom were pressed forth not to return with their Lives, till they had redeemed her from Captivity : He the said *Lloyde* reply'd, I am sorry thou art such a Fool ; and the said *Pennington* reproving him for saying so, *Lloyde* reply'd, That if he had been out of his Chamber he would have struck him.'

For the third, Mr. Attorney shewed, ' That the said *Lloyde*, taking Occasion to speak of these Matters, did term the Prince and Princess *Palatine*, the King's Daughter, by the ignominious and despicable Terms of Goodman *Palsgrave* and Goodwife *Palsgrave* ; calling him *that poor Lad* ; and scoffingly, with great Jollity, related a Stage-Play of the Princess, running away with two Children, the one under one Arm, and the other under the other Arm, and the third in her Belly, with the *Palsgrave* following with the Cradle.'

Lastly, The Attorney shewed, ' That one *Abdias Cole* going to preach one *Sunday* Morning in the *Fleet*, the said *Lloyde* called to him and told him that *Prague* was taken ; and the said *Cole* answering, That is little Comfort to me. *Lloyde* reply'd, Nay, now we may freely speak it, I, or any Nobleman, have as good Right to be King of *Wales*, as he, meaning the *Palsgrave*, to be King of *Bohemia*.

Here Mr. Attorney opened ' that Point of the ancient Oath of Allegiance ; of which Oath and the Danger to the Offender in such Case, the said *Lloyde*, being a Lawyer, could not be ignorant, and that therefore his Offence was greater. That he, being a Man of good Estate, was a Justice of Peace

Peace in his Country, in the County of *Salop*; and was put out of Commission, as was affirmed to be true by Mr. Baron *Bromley* then present; and also, that this *Lloyde*, having heretofore studied the Common Law, in the *Inner-Temple*, where he was called to the Bar, was put out of that Society by the Benchers.

Edward Lloyde being then demanded by the Lord Chief Justice, what Answer he could make to these Misdemeanors wherewith he was charged? he began with a long Discourse to traduce the Persons of such as had deposed against him; but being demanded to make a direct Answer to the Charge, he said, 'I cannot remember that these Words were ever spoken by me.' Whereupon the Clerk read the Depositions of six Witnesses against him. Then the Chief Justice demanded of *Lloyde*, Whether he spake those Words, Goodman *Palsgrave* and Goodwife *Palsgrave*? To which he answered, 'I spoke not those Words in such Sort as they are laid down in the Deposition.' 'Did you speak those Words or Words to that Effect?' To which he reply'd, 'It was but a Folly for him to deny them, because so many had proved them.' And being demanded whether he spake the other Words, or used the insolent Behaviour towards the Prince and Princess *Palatine*? he answered, 'I remember it not.'

The Prisoner being withdrawn, tho' the Lords were all fully satisfied by the Examinations and *Lloyde's* Answers, yet, for Order sake, it was put to the Question, 'Whether *Edward Lloyde* be so guilty of the Offences of which he is charged, as that he deserves to be censured?' It was agreed by all, *Nemine dissentiente*. But one Part of the Sentence proposed being Whipping, some Lords objected to it because he was a Gentleman; this was also put to the Question, and carried for Whipping. Another Question was, Whether he should have his Ears nailed to the Pillory? It was agreed, *per plaris*, not to be nailed.

The

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The Form of the Sentence being then read and agreed to, the Prisoner was brought again to the Bar, when the Attorney-General praying Judgment against him, the Lord Chief Justice pronounced Sentence in these Words :

The Lords Spiritual and Temporal of this High Court, considering the great Offence of the said Edward Lloyde, do award and adjudge,

Their Judgment
against him.

1. *That Edward Lloyde shall be incapable to bear Arms as a Gentleman ; and that he shall be ever held as an infamous Person ; and his Testimony not to be taken in any Court or Cause.*

2. *That on Monday next, in the Morning, he shall be brought to Westminster-hall, there to be set on Horseback with his Face to the Horse-Tail, holding the Tail in his Hand, with Papers on his Head and Breast declaring his Offence ; and so to ride to the Pillory in Cheapside, to stand two Hours in it, to be branded with the Letter K in his Forehead.*

3. *To be whipt at a Cart's Tail, on the first Day of the next Term, from the Fleet to Westminster-hall, with a Paper on his Head declaring the Offence, and then to stand in the Pillory there for two Hours.*

4. *That he shall be fined to the King in 5000*l*.*

5. *That he shall be imprisoned in Newgate during his Life.*

Warrants were given to the Serjeant at Arms and to the Warden of the Fleet to see this Sentence quickly executed ; and the Paper to be on his Head was to contain these Words :

For ignominious and spiteful Words, and malicious and scornful Behaviour towards the Prince and Princess Palatine, the King's only Daughter, and their Children.

Camden, in his Annals of this Reign, tells us, That every Part of this Sentence was executed on Lloyde ; but the Lords Journals assure us, That some Days after, on a Motion in the House of Lords,
from

from the Prince, it was ordered, That the Punishment of Whipping, with all that belongs to it, to be inflicted upon *Edward Lloyd*, be suspended and forborn, until the Pleasure of the House be further known; the rest of the Punishment to be executed according to the former Order. It was also ordered, That hereafter, when any Censure beyond Imprisonment be agreed on, that Judgment thereupon be not then given, but on another Day, or Sitting, that Time may be taken to consider thereof.

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May 28. After reading some Bills, the Lord Treasurer stood up and declared unto the House, That Yesterday his Majesty, advising with the Lords of the Privy-Council, hath thought fit, and so has commanded him to tell them, to adjourn the Parliament, at this Time, for these Causes.

1. ' The Season of the Year, by the Continuance of this great Concourse of People, may breed Infection.

The King's Reasons for adjourning the Parliament.

2. ' The Use that this Time of the Year may require to have the Lieutenants of the Counties, and the Justices of Peace, in this Country.

3. ' Because the Courts of *Westminster-hall* have not had their ordinary Proceedings this Session.

4. ' For that the Profits of his Majesty's Revenues are, as it were, at a Stand.

5. ' The Omission of the State.

' The Reasons why he will adjourn it rather than prorogue it, are these :

1. ' For that the Adjournment keeps a Kind of Being in Parliament.

2. ' Whereas many good Bills are preferred and not as yet past, the Adjournment reserves them in the same State they now are.

3. ' It will keep many Laws in Continuance which will end with the Session, without a special Provision be made for the same.

4. ' His Majesty's free and general Pardon is not yet prepared ; which he intends to the better Sort of People as well as to the meanest.

' Seeing

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5. ' Seeing there are so many Bills exhibited, his Majesty cannot, in so short a Time, apply his Mind to advise which Bills to accept of and which to refuse.'

' The Treasurer added, ' That, as in this Parliament, his Majesty hath already redressed the Corruptions of the chief Courts of Justice; and, by his Proclamation, called in the Patent of Inns and Hosteries; and forbidden Bills of Confraternities, which were Things very grievous to his Subjects; so his Majesty cherisheth the Bills against Informers, against the Abuse of *Super-sedeas*, against *Monopolies*, against *Recusants*, and for Limitation of Suits, with an Intent to perfect them. And, he also proposeth to reform divers Grievances to the People.

' Wherefore his Majesty's Pleasure is, That you perfect the Acts in the House against *Saturday* next, especially that of Sir *John Bennet*; and hath appointed *Sunday* next, in the Afternoon, to hear any thing concerning other Grievances. That on *Monday, June* the 4th, his Majesty will send a Commission for the Adjournment of this Parliament.'

Then the Lord Treasurer reported the Bill for exempting the Gentry of this Realm from the servile Punishment of Whipping, with an Amendment and Proviso; which were all presently read, and the Bill ordered to be engrossed.

Post Meridiem. Four Bills were read, and a Message received from the Commons by Sir *Edward Coke*, and others, desiring a free Conference with their Lordships on a Message they had received from his Majesty, touching the Adjournment of this Parliament. Agreed: And the Time appointed to be To-morrow Morning.

May 29. A Conference; but the Report of it ordered to be put off till the Afternoon. Several public and private Bills read.

Post Meridiem. The Lord Treasurer acquainted the House, That the Lords of the Privy-Council had attended his Majesty that Day, to whom he had

A Conference
thereupon desired
by the Commons.

had taken Notice, That after he had signified his Intention to both Houses, for adjourning the Parliament, the Commons had prayed a Conference and thereby a Petition to be made to his Majesty for a longer Continuance of the Parliament; to which the Lords as yet had returned no Answer. His Majesty's Commands are therefore, ' That though he is willing to hearken to any Petition, which shall be made unto him by Parliament, yet, a Petition of this Nature cannot be pleasing unto him; it seeming to be a Derogation of his Prerogative, who hath the only Power to call, adjourn, and determine Parliaments.

Which the King
resents as a De-
rogation from
his Prerogative.

' That, out of Favour to his People, his Majesty had made Choice rather to adjourn the Parliament than to prorogue it; and therefore his Majesty adviseth, that a select Number of Bills may be chosen out, which he may pass, and either make a Session, or an Adjournment, at his Pleasure. In which his Majesty will advise with the Judges, Whether the Royal Assent by Commission to some Bills, will put an End to a Session; or, by Adjournment, keep all other Bills on Foot in the same State as they now are.'

His Majesty's further Advice is, ' That the House do husband well the Time; for, on Monday next, he determines to hold his Day either for the Adjournment or Prorogation of the Parliament. His Pleasure is also, that those Bills which have passed both Houses be sent unto him before-hand, for the rest he will advise of afterwards. Lastly, That the Business of Sir John Bennet be hastened.'

The Prince moved the House, ' That the Commons might be made acquainted with his Majesty's Pleasure, signified by the Lord Treasurer; and of his Majesty's Advice to husband well the Time; and that if they have any thing more to say unto the King, that they do attend his Majesty on Sunday next.'

On this Motion the Lords sent to desire a Conference, presently, with the other House; which
VOL. V. F f being

An. 19 James I. being agreed to, and the Lords returned from it, it was ordered, That Sir *John Bennet* be brought to the Bar To-morrow Morning, at Nine o'Clock.

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May 30. Notwithstanding the last Order, we find that the first Thing of Moment the Lords went upon this Day, was to hear the Report of the Earl of *Huntingdon*, one of the Committee appointed to take Examinations concerning Dr. *Field*, now Bishop of *Landaff*. A Collection was made thereof, which, with divers Letters, sent up by the Commons, concerning that Cause, were delivered by his Lordship into Court.

Proceedings
against the Bishop
of Landaff for
Brocage in Bri-
bery.

The Bishop having withdrawn himself out of the House, the King's Serjeant, *Crew*, came to the Clerk's Table, and read the said Collection in *hæc Verba*:

‘*Edward Egerton* having a Suit in Chancery with Sir *Rowland Egerton*, for Lands of good Value; and, supposing he had some hard Measure therein, was commended to Dr. *Field*, now Lord Bishop of *Landaff*, for the procuring of some great Friends to assist him in this Cause.’

‘Upon Conference between *Edward Egerton* and the now Lord Bishop about this Matter, and to the End to procure such Assistance and Friendship, he acknowledged a Recognizance of 10,000*l.* to the Bishop, and one *Randolph Davenport*, a Gentleman belonging to the late Lord Chancellor; which was dated *March* 13th, in the 16th Year of this Reign.’

‘Whereupon there was a Draught of a Defeasance conceived, but not perfected, as it seems; by which it was agreed between them, That if, by Means of Mediation of the said Committees, or either of them, the said *Egerton* should prevail, either by Decree in Chancery, or at Common Law, to recover so much of the ancient Inheritance of the said *Edward*, as is mentioned in the Defeasance, then to pay the Lord Bishop, or *Davenport*, or either of them, 6000*l.* within two Years after.’

‘On the 15th of *March* 1618, Dr. *Field* writes a Letter to *Edward Egerton*, in the Nature of a Defeasance

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Defeasance of that Recognizance, which containeth, that the Sum of 6000*l.* is for Gratuities to such honourable Friends as shall be made in his Business, if he recover, by the Power of those Friends, his ancient Inheritance; or, otherwise, a third Part of whatsoever shall be added to that which had been formerly awarded to the said *Edward* in Chancery. And if nothing was done, then he promised, *in Verbo Sacerdotis*, to return the Recognizance.'

'After this the Lord Bishop writes another Letter, without Date, to Mr. *Egerton*, letting him know thereby, that there was a Stay made of decreeing the Lord Chancellor's Award till next Term, by the Means of one of my Lord Chancellor's Gentlemen, who would have conferred with Mr. *Egerton*, but that his Leisure permitted him not then to do it; he therefore required some further Warrant and Direction to proceed in his Behalf. Underneath this Letter one *Woodward*, Brother-in-Law to Mr. *Egerton*, writes this Postscript, That he thinks his Cause will do well, and that he hath assured the Gentleman he shall find Mr. *Egerton* faithful in his Promise, and wisheth he would write back to *Woodward* to that Purpose.'

'*Woodward* writes another Letter to Mr. *Egerton* without Date, letting him know, That Dr. *Field* is sorry my Lord hath not sent an Answer as he expected, but that my Lord Chancellor shall be moved this Night for a Stay of the Decree; which he hopes to get by such Means as he shall use; and that he hath assured him Mr. *Egerton* would perform his Promise.'

'*Davenport* being examined in this High Court, touching the sharing the 6000*l.* betwixt him, *Butler*, the Bishop, and others, saith, He himself should have had nothing; *Butler* was to have 2000*l.* and 1000*l.* was thought fit to be given to the Lord Chancellor; but his Lordship knew not of it, and *Butler* dared not to move it. *Davenport* and *Butler* meant to have shared that 1000*l.* For the other 3000*l.* he knew not how it should be shared.

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The Matter promised was a Letter from the Lord Admiral, and a Reference from the King to the Lord Chancellor.'

'*Francis Joyner* being examined in this Cause, confesseth, he was the Means to make *Mr. Egerton* and *Dr. Field* acquainted; and that the Doctor had Conference with *Butler* and *Davenport* about *Mr. Egerton's* Business; and that the Doctor drew in the Lord *Haddington* to be a Furtherer of it. He spoke to the Recognizance; and that the Doctor confessed he was trusted from the Lord *Haddington*, and that his Lordship was to dispose of the Money at his Pleasure.'

'*Tristram Woodward* being likewise examined, confessed, *Joyner* told him *Dr. Field* had Friends at Court; and how *Mr. Egerton* was drawn to the Doctor's House. The Recognizance was taken for *Butler* and the Lord *Haddington*, as he thinks; but out of it the Doctor expected Recompence, as he heard amongst them: And confessed he wrote the Postscript to *Dr. Field's* Letter sent to *Mr. Egerton*.'

Edward Egerton saith, 'That he agreed with *Dr. Field* for the Recognizance, that he should have his Land decreed to him: That 6000*l.* was to be paid on the Event of the Suit. He was to pay the Money to *Dr. Field* and *Davenport*; how much each should have, he knoweth not. He further said, That *Woodward*, his Brother-in-Law, and *Dr. Field* procured him to acknowledge the Recognizance; but he did not pay the Charge of it: That *Dr. Field* told him he would bring him to one *Butler*, who would procure an Order from my Lord Chancellor for his Relief in the Cause as he would desire: Thereupon the Doctor demanded a Recognizance of 10,000*l.* for Payment of 6000*l.* when this Examinant should have such an Order from the Court as he desired. The Recognizance was enter'd accordingly; after which, this Examinant finding no Good thereby, demanded back his Recognizance; when, after many Delays, and a Year's Distance of Time, he had the same delivered.'

delivered. Lastly, That *Woodward* told him Dr. An. 19 James 1.
Field, Captain *Field* his Brother, and *Butler* should
have shared the Money amongst them; but how,
he knoweth not. 1621.

Then the King's Serjeant read also the Proofs, which consisted of all the Letters and Examinations before-mentioned. After which the Bishop of *Durham* (z) stood up, and, in a Speech, repeated the Manner how this Matter was first complained of by the Commons to this House, with the several Proofs thereof: But added, 'That since there was nothing proved but an Intent, at the most, he moved that the Consideration thereof be referred to the Lord Archbishop of *Canterbury*, and he to give the Bishop an Admonition for the same in the Convocation House.'

The Archbishop (a) then rose up and said, 'That Dr. *Field*, the now Bishop of *Landaff*, could not be excused from Brocage in Bribery; for which he was to blame: But hoped that he might bear his Fault as Dr. *Field*, and not as Bishop of *Landaff*; and that, if it was referred to him, he would do that which belongs unto him (b).'

Whereupon it was ordered, That the Affair of the Lord Bishop of *Landaff* should be referred to the Lord Archbishop of *Canterbury*, and he to be admonished by his Grace in the Convocation House, before the Bishops and Clergy there. The Lords also taking into Consideration the Complaint of the Commons, touching this Matter, agreed upon a Message to be sent to that House, to this Purpose:

He is ordered to be reprimanded by the Archbishop of *Canterbury* in the Convocation House.

'Whereas the House of Commons informed this House of a great Misdemeanor committed by Dr. *Field*, now Bishop of *Landaff*, and hath also

F f 3

sent

(z) *Richard Neile*, who had himself been complained of by the Commons, when Bishop of *Lincoln*, for some Expressions in the House of Lords, tending to advance the Prerogative Royal. See before, p. 290, et seq.

(a) *George Abbot*.

(b) The Scene was acted when Dr. *Field* was only a private Clergyman; nor does it seem to have injured his Character at Court: For, in the next Reign, he was moved to *St. David's*, and, afterwards, died Bishop *Hereford*, in the Year 1636. *Le Neve*.

An. 19 James I. sent since to demand Judgment in that Cause; the
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Lords having taken full Examination thereof upon Oath, do not find it proved in the same Manner as, it seems, they were informed by Examinations taken in their House. And, for further Satisfaction of the Commons therein, their Lordships have sent them the Examination of *Randolph Davenport*.

Answer. The Commons returned great Thanks for their Lordships honourable and just Proceedings in the Cause of the Lord Bishop of *Landaff*, and for sending the Examination of *Davenport*; by which it doth appear, that his Examination, taken by them, doth differ much from that taken upon his Oath before their Lordships.

Then the Question was put, Whether the said Bishop should take his Place in the House before he received his Admonition from the Archbishop, or not? Agreed, *per plures*, that he should: Whereupon his Lordship was called in by the Gentleman-Usher, and went to his Place.—Thus ended the Affair of this Bishop of *Landaff*; of which there is not one single Word in *Wilson's* Life of King *James*, or in *Rushworth's Collections*.

To proceed with the *Journals*.——The Earl of *Huntingdon* reported, That his Lordship, and the other Lords joined in Commission with him, had taken divers Examinations in the Cause of Sir *John Bennet*, Knt. Judge of the Prerogative Court of the Province of *Canterbury*; by which they find him guilty of much Bribery and Corruption; of which a Collection was made, and his Lordship delivered the same to Mr. Serjeant *Crew*. The Earl of *Southampton* also made the like Report, and delivered the Examinations and Collections of the Bribery and Corruptions, wherewith Sir *John Bennet* was charged, to Mr. Attorney-General.

Which Collections, with the Names of the Witnesses examined for Proof being read, Sir *John Bennet* was brought to the Bar. The King's Serjeant opened the Charge against him by shewing,
* That the said Sir *John Bennet*, being a Judge,

as

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Charge against
Sir John Bennet
for Bribery and
Corruption.

as aforesaid, and being directed by the Law what Fees to take for Probats of Wills, and unto whom to grant Letters of Administration, he had perverted the Course of Law for Bribes; and, being therewith corrupted, he granted Administration contrary to Law. He charged the said Sir *John Bennet* with these particular Bribes and Corruptions, and read the Examinations of the following Witnesses for Proof thereof.

‘*Richard Luther* died, 1619, intestate, without Issue; *Abigail*, his Widow, required Administration and paid 44*l.* But being opposed by *Thomas Luther*, a Brother, she, at two several Times, gave Sir *John* 44*l.* more; and yet he granted Administration to her and *Thomas Luther* jointly; proved by the Examinations of *Thomas Tyler*, *William Owen*, and *Abigail* the Widow. But before Sir *John* joined *Thomas Luther* in Administration with the Widow, he promised Sir *John* one hundred Pounds; and, after he was joined, he gave him 120*l.* proved by *Thomas Luther*. For Allowance of the Administrator’s Accompts, Sir *John* had 100*l.* to distribute amongst the Kindred of the Intestate, and 50*l.* for pious Uses, and seemed discontented he had not 50*l.* more. Proved by *John Worsley* and *Abigail* now his Wife.’

‘*William Bannister* died intestate, 1615. His Widow gave to Sir *John Bennet* 30*l.* 16*s.* for Administration; proved by the Examinations of *William Richardson* and *James Goodshall*. *Hercules Wytham* claiming to be Executor by Will, first gave Sir *John* five Broad-Pieces; then *Samford*, Sir *John*’s Man, undertook for twenty Pieces more to his Master and two to himself, to procure him a good End, which End was against the Will; proved by the Examination of *Hercules Wytham*.’

‘Sir *William Whorewood* died seven Years past, *Field Whorewood*, a younger Son, and a Daughter offered to prove a Will. *Thomas Whorewood*, the elder Brother, offered to prove a second Will. *Badfor*, the Proctor, promised Sir *John* 100*l.* for his Hand to *Field Whorewood*, but paid only 34*l.*

An 19 James I. 1621, to him, and 6*l.* to his Man *Samford*. Proved by *John Badfor*. *Thomas Whorewood*, by Advice of *Samford*, gave Sir *John* 38*l.* yet Sir *John* gave Sentence against him. Proved by *Thomas Whorewood* and *John Batham*.

* *George Sturges*, dying intestate, *Francis Sturges*, his Kinsman, offered Sir *John*, for Administration, 20*l.* in Gold, which Sir *John* said was too light; then he gave him 40*l.* and had it granted. Proved by the Examinations of *Robert Davies*, *Robert Sturges*, and *Robert Labourne*.

* *Philip Holman* died 1619, *Philip* his Son exhibited his Father's Will; a *Caveat* being entered, he sent by *Kelvert* twenty Pieces to Sir *John Bennet*, which he accepted, and demanded 20*l.* more, which *Kelvert* promised but paid not. Proved by *Philip Holman* and *Richard Kelvert*, Proctor.

* *James Lingard* died 1618, intestate; *John* his Brother, and *James* his Nephew contended for Administration. For 50*l.* paid Sir *John*, and 5*l.* to *Samford*, *John* the Brother obtained it; which, afterwards, was revoked. Proved by *William Bass*, Proctor.

* *Robert Sayers* died 1619, intestate, his Children Minors; *Simon Packhurst* gave Sir *John*, by Direction of *Samford*, 20*l.* for Administration, *durante minore Etate*; which was revoked two Days before *Packhurst* was to have had a Cause heard in Chancery, which concerned that Estate. Proved by *William Bass*, Proctor.

* *Henry Ryley* died intestate, 1620, *John Ryley* sued for Administration; he gave Sir *John Bennet* 5*l.* and Sir *John* procured from *John Ryley* nine Rings set with Diamonds, which were pawned to the Intestate for 30*l.* but were not worth ten. *Anthony Ashley* and *Thomas Wells*, two Kinsmen of the Intestate, agreed with *Samford* to give Sir *John* 30*l.* and 10*l.* to *Samford*, to get Sir *John* to order them Part of the Intestate's Estate. Then he ordered them 300*l.* which *John Ryley* was forced to pay, and the said 40*l.* for a Bribe to Sir *John* and his Man. Sir *John* had, besides, a Piece of Plate;

Plate, which cost 4*l.* 16*s.* 6*d.* to change the great An. 19 James I.
Bond for true Administration. Proved by *John*
Ryley, Anthony Ashley, and Thomas Wells. 1623.

‘*Jane Corne*, Widow, died intestate, yet *Francis Winscomb* pretended a Will. Sir *John* received of *William Pound*, *pendente Lite*, the Widow’s next Kinsman, 40*l.* to grant him Administration, which this Deponent paid. Sir *John* would not give it unless he might have that Sum. Proved by *Lewis Lashbroke*. The Deponent’s Administrators in Trust to perform her Will, for obtaining of Administration, gave 50*l.* in Hand to Sir *John*, and their Bond to pay 50*l.* more, three Months after; and 25*s.* for forbearing the last 50*l.* Proved by *John Lewis* and *Rowland Johnson.*’

The Day being far spent, the House was moved not to have any more read at that Time; whereupon the Prisoner was withdrawn, and it was ordered that he be brought there again To-morrow Morning.

A Message from the Commons by Sir *Edward Cecil* and others.

‘That the House of Commons do desire a free Conference touching the parliamentary Affairs of the Kingdom; which was agreed to by the Lords.’ The Commons desire a Conference touching the Recess.
Afterwards Sir *Edward Cecil*, with Leave, explained himself, ‘That the Conference is desired to accommodate the Business of Parliament before the Recess.’

The Adjournment of the House was put to the Question, Whether to eight of the Clock To-morrow Morning, or at nine? Agreed, *per plures*, to be eight.

May 31. This Day a Bill was brought into the House of Lords, and read once, entitled, *An Act that this Parliament shall not determine by the King’s Royal Assent to some special Acts.* It was read a second Time, and the same Day committed. Some other private Bills being also read, the House proceeded in the Cause of Sir *John Bennet*; and the Attorney-

Attorney-General charged him with the following Proofs :

Further Pro-
ceedings against
Sir John Bennet.

‘ That he received of Mr. *Meggs*, on the Behalf of Mrs. *Pitt*, for the Continuance of Administration granted to her, and sought to be revoked, the Sum of 46 *l.* 13 *s.* 4 *d.* Proved by the Examination of *Edward Willet*.’

‘ He received of the Widow of *Hugh Lee*, for Administration of her Husband’s Goods ; where- in she was crossed by a *Caveat*, put in by the Means of *Samford*, Sir *John*’s Man, 35 *l.* Proved by the said *Edward Willet*.’

‘ He received of Sir *Edward Scroey*, for the Administration of his Father’s Goods; 100 *l.* Proved by Sir *Edward Scroey*.’

‘ He contracted with *Edmond Walton* to have 20 *l.* for the Administration of the Goods of *John Clo- uil*; and, the Money being brought, there fell 5 *l.* more out of his Pocket, casually ; whereupon Sir *John* also claimed that, and would not grant the Administration otherwise. Proved by *Edmond Walton*.’

‘ He received of Sir *John Brand*, for Admini- stration of his Grand-Father’s Goods, 50 *l.* and this was by way of Contract, Sir *John* pressing to have more. Proved by *Thomas Newnam* and Sir *Robert Hitcham*.’

‘ He took of *William Auchmore*, for the Admini- stration of the Goods of *Philip Auchmore*, 15 *l.* Proved by *Richard Williamson*. And of *Thomas Al- den*, for the Administration of his Father’s Goods, 5 *l.* Proved by the same Witness.’

‘ He received of *Solomon* and *James Mansell*, for a Dividend out of their Brother’s Estate, 20 *l.* and then gave them 300 *l.* out of an Estate of 8000 *l.* having received from the Widow of the Intestate, as she confessed, 100 *l.* to the Intent that he should allot them no more. Proved by *Solomon Mansell*.

‘ He had of *Samuel Feast*, for his Favour in prov- ing a Nuncupative Will of *John Neast*, 10 *l.* and five Pieces at another Time ; and forced him to

pay

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pay a Debt of 514*l.* to one *Fishborne*, for which *Fishborne* had neither Speciality, nor so much as a Superscription of the Testator in his Book. Proved by *Samuel Neast*. He also received of the said *Samuel*, 60*l.* for making a Report into the Court of Chancery. Proved by the same.

‘He received of *Hester Mitchell*, for Administration of the Goods of her Father, 20*l.* Proved by *William Bass*.’

‘*Flower Hanshaw*, Widow, died intestate in 1615, possessed of a personal Estate of 11,249*l.* 2*s.* 7*d.* and for the granting Administration of the said Goods to *Benjamin Hanshaw*, he delivered unto *Samford* 200*l.* of which he verily believeth Sir *John Bennet* had the greatest Part; besides 90*l.* 7*s.* 7*d.* to pious Uses. Proved by the said *Benjamin*.’

‘*Andrew Moor*, about two Years since, died intestate; the Administration of whose Goods was, by Consent of one *Clarke*, and others, granted to the eldest Brother of the said *Moor*; for which Sir *John Bennet* had 60*l.* besides a Gratuity given to *Samford*. Proved by *William Oland* and *John Ode*.’

‘*Humphrey Rascarroch*, of *Pinkley*, by his Will, made *Philippa*, his Wife, Executrix, and died 1616; which Will being controverted, she first gave 20 old Angels to Sir *John* to have the said Will proved in common Form; and, for Sentence, gave four Pounds. Proved by *Richard Williamson*.’

‘*Dr. Thigh*, 13 *Jac.* made his last Will, died, and made *Mary* his Wife Executrix, upon Condition that she should prove the Will in due Form of Law. Mr. *Thigh*, Brother to the said Doctor, could not have a Copy of the Will from Sir *John Bennet*, until he had given him ten Pieces; and afterwards, the said Mr. *Thigh* having spent a great Part of his Estate about the Probat of the said Will, and, being delayed therein, one *Lyster*, Sir *John Bennet*’s Man, said unto the said *Thigh*, That if he would give his Master 100*l.* and a Gelding of 10*l.* Value, besides 10*l.* to himself, then his Master, Sir *John Bennet*, would sentence the Will for him.

Thigh

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Thigh answered he could not provide so much Money presently, but he would give good Bonds for the Payment thereof. *Lyfter* would not take the Bonds, and told the other, if he would not bring his Master 40 Pieces, that then Dr. *Bancroft*, Brother to the said Executrix, should have Sentence. Whereupon he procured 15 Pieces, and brought them to Sir *John Bennet*; who would not accept thereof, saying, he would not take Paper for Gold. Upon this, Administration of the Goods of the said Dr. *Thigh* was granted unto *Mary* his Widow, by the Procurement of Dr. *Bancroft*; and, *Lyfter* said, that a halting Proctor had brought Gold from *Bancroft*, which had overweighed him. Proved by *William Thigh*, *Thomas Styles*, and *Richard Moxley*.

‘ Sir *Henry Middleton*, Knt. made his last Will, and therein made *David Middleton* and *Henry Middleton* his Son, Executors thereof. *Alice Middleton*, Wife of the said *David*, did give 40 l. to Sir *John Bennet* to have Administration of the Goods of the said Sir *Henry* granted to her, during the Minority of the said *Henry* the Son. Proved by *Richard Williamson*.

‘ *Mary Hawley*, six Years ago, died intestate, possess’d of an Estate worth 6 or 700 l. *Robert Hanbury* gave Sir *John* 60 l. or more, for the Administration of the Goods, as was confessed by *John Wray*, on his Death-Bed. Proved by *John Fenwick* and *Elizabeth Hawley*.

‘ That Mr. *Ashton*, by the Hands of *Philip King*, did give to Sir *John Bennet*’s Lady, a Spanish Carconet, or Girdle, about the Value of 100 Marks, for the Kindness he had received from Sir *John Bennet* in an Administration. Proved by *Philip King*.

‘ That *Richard Hawley*, about five Years since, dying intestate, and the Administration of his Goods being granted to one *Kenbury*, during the Minority of his Children, Sir *John* had 20 l. or 20 Pieces given him by the said *Kenbury*. Proved by *Thomas Gear*.

‘ *George*

George Scarlet, in 1615, died intestate: *Sir John An. 19 James I.*
would not grant Administration of his Effects unto *Peter Scarlet*, until the said *Peter* had given him 1621.
10 *l.* in Gold, in Hand, and 5 *l.* more to be paid shortly after; and it was paid accordingly. Proved by *Peter Scarlet*.

The Attorney-General having read this Charge, the Lord Chief Justice demanded of *Sir John Bennet* what Answer he would make to the same; who spoke as follows:

I Come, in all Humility, to prostrate myself at your Lordships Feet; if your Lordships expect a speedy and perfect Answer, at this Time, I hope you will excuse me, as being surprized with such a Tempest of Afflictions.

The Particulars of my Answer must run thro' the Compass of nineteen Years, the whole Time of my being Judge of the Prerogative Court of Canterbury; which doth constrain me to beseech your Lordships to give me some Time, not only to call to Mind the Acts of Judicature of my own Court, but also to confer with others.

I humbly desire to have a Copy of my Charge, and, what I am justly charged with, I will confess, after I have had Time to consider thereof. Those whereof I am otherwise accused, as of many, I desire, as by the Law of Nations I ought, to have Liberty to peruse the Accusations so exhibited, to use cross Interrogatories, to procure Witnesses to be examined, and to have Council allowed me.

Lastly, I humbly beg at your Lordships Hands, even for Justice sake, Time proportionable to the Multitude of these Accusations to make my Answer; and I doubt not so to extenuate them all, that, when your Lordships shall see and consider the Ground of them, you will not hold me so foul and guilty a Man as I am accused for.

I am the first Ecclesiastical Office charged in this Manner; and whereas I am accused of taking Money to pious Uses, amounting to a great Sum, I will engage my Life, that, upon Proclamation made there-
of,

An. 19. James I. of, Proof cannot be produced of 4000*l.* which is not above 200*l.* per Annum, ever since I was Judge; whereof, if I cannot give a good Account, I will beg my Bread all my Life.

The Prisoner being removed, the House took into their Consideration these Requests of Sir John Bennet; and, after Deliberation thereof, their Lordships were pleased to grant the same; thus far, viz.

The further Hearing thereof postponed to the next Access of Parliament;

1. That he shall have Time till the next Access of Parliament to make his Defence. 2. Counsel to advise with only; but no Counsel here in Court to defend his Cause. 3. Liberty to examine Witnesses, *ex sua Parte*; but not to examine any upon cross Interrogatories; and his Witnesses to be sworn in this Court, upon such Interrogatories as he shall deliver and the Court allow. 4. To have Copies of the Heads of the Charge; but no Names of any Witnesses or Proofs. 5. To have Leave at the Hearing to take Exceptions unto the Witnesses produced against him; and their Names are to be delivered to him at that Time. 6. Liberty to search the Records of his own Court, and his own Writings.

And he is admitted to Bail.

It was also ordered, 'That Sir John Bennet may be admitted to Bail, on 20,000*l.* Bond, to be taken in Court, with such Sureties as the Court shall allow of; and, if he cannot procure such Bail, then to remain Prisoner with the Sheriffs of London.'

The Prisoner being called in again, and at the Bar, the Lord Chief Justice told him how far the Lords had granted his Requests; and also that their Lordships were pleased he should be bailed as above. The Chief Justice did also admonish him not to impair his Estate, but that it remain in the same Plight as when he was first complained of in Court; Likewise to satisfy Mrs. Scorey for 1100*l.* which he had of her Money, left with him as a Deposit; and to pay off the 1000*l.* which remains in his Hands of Sir Thomas Badley's Legacy to the University of Oxford.

Unto which Sir John answered, *I do acknowledge the honourable Favour of this Court, in the Goodness*

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and Grace of God to put me into your Hands, and these Favours towards me into your Hearts. Mrs. Scorey's Money I confess due, and will give her Satisfaction for the same. As for the other 1000 l. I have performed as much as Sir Thomas Bodley required; having laid out other Monies for the University of Oxford, which I intended to have done, whatsoever I may do yet, had not these cross Misfortunes happened.

As for my Bail; I am in Debt and Disgrace, and doubt whether I can procure Bail to enter into so great a Sum. I humbly beseech your Lordships that myself may be bound in 1000 l. and my Sureties in 1000 l. more.

The Prisoner being withdrawn, it was put to the Question, Whether the former Order touching his Bail should stand, or be altered according to his Request? And it was agreed the Order should stand.

The same Day the Lord Treasurer reported the Conference with the Commons, Yesterday in the Afternoon; wherein his Lordship shewed how lively they expressed the Sorrow of that House for the Adjournment of the Parliament. Three Things at the Conference he particularly remembered: 1. Their Time and Diligence employed in this Parliament. 2. The Matter of Importance there handled. 3. Their Desire to have finished them; with an Enumeration of a Mass of Business which they have entered into. They also expressed their Grief and Passion, that they could not perform what they had promised for the Good of the Common-Wealth, and their earnest Desire that the like Correspondency might be held between them, which had subsisted all this Parliament. They desired to know how Bills rest with us, that we may also learn how Bills are with them, to the end such Bills may be prepared as are fittest to pass; and that we may advise together what Course is to be taken, not only touching the Bills, but also such other Matters as they have now in Hand.

Report of the
Conference about
adjourning the
Parliament.

The Lords then sent a Message to the Commons,

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to desire another Meeting and free Conference with them about the same Subject. At the same Time they sent down to them the Bill touching the Adjournment of the Parliament, which they had passed, and specially recommended it to be expedited with all possible Haste in their House. This was a Bill of a very extraordinary Nature; but there was no Occasion for it, as will appear in the Sequel.

May 31, post Meridiem. After one Bill was read a third Time, *That the County Palatine of Durham should have Knights, Citizens, and Burgessees to serve in the Commons House of Parliament*, it was put to the Question, and assented to; but it did not at this Time pass into a Law (c).

The Lords then considered that they were to meet the Commons, at a Conference, that Afternoon; and it was agreed, That, if the other House should make any new Propositions, to give them no Answer at that Time, but to consider thereof. It was also agreed, That the Lord Treasurer should report to them the State of the Bills, as they stand here, and to require the same Account from their House; to the end that those Bills may be prepared for the King's Assent, which are most necessary. Likewise to make Report to the House of this Conference. Accordingly,

The Lords being returned from the said Conference, the Lord Treasurer reported the same, 'That, after each House had acquainted the other with the State of the Bills, the Commons desired to have no Royal Assent to any Bills at this Time; because they do not know which to choose or prefer before another. They gave also many Reasons to have an Adjournment without the Royal Assent; and desired that the Parliament might be so adjourned, as that each House may have Power to accommodate Business against the next Access.'

A

(c) By Stat. 25 Car. II. Cap. 9, the County of Durham is enabled to send two Members, and the City two. The Election of the County to be as in other Counties: The Election for the City to be by the major Part of the Mayor, Aldermen, and Freemen present at the Election.

A Motion was made, that the Judges be ordered to distinguish between the Adjournment of a Parliament by the King, and an Adjournment by the Houses. Whereupon the Attorney-General came to the Clerk's Table, and read the Precedents of the 27th of *Elizabeth*, for the Adjournment of a Parliament by the Queen's Commission: And, having many more Precedents to read of the like Nature, it was ordered that they should be read the next Morning: Also the Lords, who were the Subcommittee for Customs and Privileges, were ordered to search the Records for Precedents of the Form and Manner of Adjournments of Parliament.

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June 1. After several Petitions were read, and some other Business done, the Attorney-General read divers more Precedents, out of the Journals, of the Forms for Adjournments of Parliaments. He shewed the Difference between an Adjournment and Prorogation; and that the Word *Prorogare* is oftentimes used for *Adjournare*; but the latter Word never for the former. He shewed also, that a Parliament being adjourned by the House, all Committees were still of Force, and the Bills remain *in Statu quo prius*; but an Adjournment, by Commission from the King, determines all Committees, and they cease till the next Sitting of the Court; but the Bills are preserved *in Statu quo prius*.

Difference between an Adjournment and a Prorogation.

Then the Books and Writings belonging to the Gold and Silver-Thread Affair, which were found in the Office kept for executing that Commission, and brought into Parliament, were ordered to be delivered back to Sir *Edward Villiers*. And it was also order'd, That it be signified to the Commons, that the Lords do find him clear of those Matters, mentioned by them in their Declaration.

The Lord Chief Justice was ordered to admit Sir *John Bennet* to Bail, for his Appearance there at the next Access of Parliament; himself to be bound in 7000*l.* Bond, and ten Gentlemen, nine of which were Knights, in 1200*l.* each.

June 2. It was ordered that Sir *William Bird*, Knt. Doctor of Laws, shall execute the Place of Judge

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of

An. 19 James I. of the Prerogative Court of *Canterbury*, in Stead of
1621. Sir *John Bennet*; but the Fees and Profits thereof
to be answered to the said Sir *John*.

One *Kelvert* having informed the Lords of many
Corruptions against Sir *John Bennet*, and offered
to produce Proofs of many more, by the next Sit-
ting of the Parliament, fears he shall be arrested,
or otherwise deprived of his Liberty in the mean
Time. It was ordered, ' That the said *Kelvert*
shall not be arrested or confined for Debt, or other-
wise; but if he be called before the High Com-
mission Court, he shall appear and answer to such
Matters as shall be objected against him, so as he
be not restrained of his Liberty.'

The King's
Speech to the
Lords, on that
Subject.

This Day the King came to the House, and, in
a Speech to the Lords, took Notice, ' That upon
' *Monday* last he sent a Message to them, and an-
' other to the Commons, declaring his Royal Pled-
' sure for the Adjournment of the Parliament, and
' the Reasons thereof. He gave them Thanks for
' their Obedience to the Message, and the Acknow-
' ledgment of the King's Power to call, adjourn,
' and dissolve Parliaments: For not joining with
' the Commons in a Petition to his Majesty, as they
' desired, for a Non-Adjournment at this Time:
' Also for leaving the Form of the Adjournment
' unto him; and for expediting the Bill which his
' Majesty sent touching the Adjournment.

' His Majesty also took Notice of the Form of
' Adjournment, discussed in that House Yesterday,
' and that the Opinions of the Judges are, That
' the Adjournment by the King keeps the Parlia-
' ment *in Statu quo prius* until the next Sitting;
' but that then no Committees were to meet: But
' if the Adjournment be by the House, then the
' Committees and other Matters do continue.
' That, in these Matters, the Judges and his At-
' torney are to be heard in that House; but yet the
' Privileges and Liberties of the Lords were to be
' maintained, and no Ways abridged.

' That out of princely Care to his People he gave
' much longer Warning of this Adjournment, than
' any

any of his Predecessors had done, to the end that An. 19 James I,
such Bills as were most material to the Com- 1621.
mon-Wealth, might, in the mean Time, be ex-
pedited; especially against Informers, and Writs
of *Superfedeas* and *Certiorari*: But his Majesty
first demanding the Opinions of the Judges, they
said, he could do himself what those two Bills
required.

That whereas some say, *No Good hath been
done this Parliament, and shall they so return?*
his Majesty put the Lords in mind of the two
Patents grievous to the Common-Wealth, of Inns
and Gold and Silver-Thread, called in by him;
and also this Parliament had censured the late
Lord Chancellor; which is an Example to all
other Judges.

He affirmed, That, had the Commons made
an humble Answer to him on the Adjournment,
he would have granted them ten Days longer;
but now he would not yield to their Request:
Yet, if the Lords thought that eight or ten Days
more will expedite those Bills that be now in the
House, he will grant it.

Then his Majesty was pleased to go into his
Drawing-Room, that the Lords might more freely
discuss this Matter amongst themselves. And, tak-
ing it into Consideration, they thought fit to ad-
vise with the Commons also therein; and sent a
Message to them to desire a free Conference with
their whole House, presently, in the *Painted-
Chamber*, on Matters of great Importance, where-
in no Time was to be lost.

The King being returned, the Lords humbly
thanked his Majesty for his gracious and free Of-
fer; acquainted him with the Message they had just
sent to the Commons; and besought him to en-
large his Offer to this Day Fortnight. The King
granted their Request, with this Caution, 'That it
be understood to be his own free Offer to give
this Election to the People, either to have an
Adjournment, or a longer Time to pass some
Bills, and so to make a Session.'

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Post Meridiem. The Lords went to the Conference; and, being returned, the Lord Treasurer reported to the House: 'That the Lords having acquainted the Commons with his Majesty's free Grant of a Choice, Whether the Parliament should be adjourned on the 4th Instant, or continued for a Fortnight longer, and then prorogued? the Commons having considered of it, did acknowledge his Majesty's Power to call, adjourn, prorogue, and dissolve Parliaments, and his Majesty's Grace and Favour in granting this Election; for which they desired the Lords to join with them in grateful Thankfulness to the King.'

Both Houses desire an Adjournment only.

'Their humble Desire also is, That it would please his Majesty to adjourn the Parliament, the Form whereof they leave to him; because they have discharged their Committees, which they cannot now recollect so suddenly; neither will that Time suffice to bring to Effect the Affairs of great Importance which they had in Hand. They desired also to present his Majesty, with the Lords, three Petitions; first, for Matters of Trade, that is, that Manufactures may be distributed to the several Out-Parts of the Kingdom; Money not to be exported out of the Realm; that Ordnance may not be transported; lastly, they again renewed their former Request, that both the Houses may join in their Thanks to his Majesty.'

Then the Lords sent another Message to the Commons, to acquaint them, 'That they had considered of their Request, and had appointed a Committee of twelve Lords to join with a Committee of their House to present it to his Majesty that Afternoon, if he would be pleased to admit them to his Presence.' The Lords humbly desired his Royal Highness the Prince to present their Thanks to his Majesty; and the Archbishop of *Canterbury* was appointed, by joint Consent, to deliver the Requests of Lords and Commons to him at the same Time. Adjourned to *Monday*.

June 4. After some other Business of less Moment was done, the Lord Archbishop of *Canterbury*

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bury reported to the Lords, ' That Yesterday, in the Afternoon, the Committee of the Lords, accompanied with that from the Commons, according to the Order of the House, attended his Majesty; where it pleased the Prince's Highness to present unto him the humble Thanks of both Houses, for the Choice his Majesty gave them of an Adjournment, or a Prorogation, of the Parliament.'

' That then his Grace made known to his Majesty the Election of the Commons, viz. an Adjournment, with their Reasons for the same; and also presented unto him the three Petitions, recommended by the Commons: 1. Touching new Manufactures to be equally distributed to the Out-Parts of the Kingdom. 2. Concerning Bullion and Coin to be preserved in the Land. 3. Touching Iron Ordnance not to be exported.'

' That his Majesty graciously accepted the Thanks from both Houses; and notwithstanding that he called to Mind the Commons embraced not, as they ought to have done, his many Admonitions to expedite good Laws; and that they disputed the Reasons which he gave of the Adjournment of this Parliament, (all Power being in him to call, adjourn, prorogue, and dissolve Parliaments) yet his Majesty was pleased, according to the Choice the Commons had made, to adjourn this Parliament at this Time; the same to begin again in *November* next. In the mean Time he will, by his own Authority, redress the Abuses of Informers, and Writs of *Superseas* and *Certiorari*; which were intended to be reformed by the two Bills more especially recommended by him.'

' That his Majesty's Answers to the three Petitions of the Commons were: To the first, concerning the Enlargement or Dispersing of new Manufactures, which he never heard of before, he will consider thereof with his Council. To the second, touching Bullion and Coin, his Ma-

The King adjourns them accordingly.

An. 19 James I. 1621. ' jesty would also advise with his Council, and redress it. And to the last, about Ordnance, some Care had been taken already, and more should be hereafter.'

Then his Grace presented his Majesty the hearty Prayers of both Houses, unto God, for his long Life and Prosperity. And the King, as general Bishop of the Land, did then also offer his Prayers to God for both Houses. Finally, he admonished them, ' That at their Return into the Country, they give his People good Satisfaction, both for the Proceedings and Adjournment of this Parliament.'

According to an Order, made *June 2*, the Judges delivered their Opinions touching the Privileges of the House of Lords during the Session of Parliament: But, because it had not happened to their Knowledge, that ever the House was adjourned for so long a Time, as now it was intended to be; they could not satisfy their Lordships of any Precedent, for the Continuance of their Privileges during all the Time of this long Cessation.

Whereupon their Lordships delivered their Opinions, ' That the Lords do know that the Privileges of themselves, their Servants and Followers, do continue, notwithstanding the Adjournment of Parliament; and do adjudge the same to be observed in all Points accordingly.' Ordered, That this Declaration shall be entered in the *Journals*, and a Copy of it sent to both the Compters to be published.

John Cranfield, a Prisoner in the *Fleet*, had been accused for speaking many ignominious and base Words against the Prince and Princess *Palatine* and the Lords of Parliament. A Committee had also been appointed to examine into the Truth of this Matter; and now the Archbishop reported from it, That they had examined divers Witnesses; which Examinations were read. Ordered, That the Warden of the *Fleet* shall keep the said *Cranfield* Prisoner there, so that he may be brought before the

the House at the next Sitting of it, to be censured for his great Misdemeanors, An. 19. James I.
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A Petition of several Persons, now or late, Prisoners in the *Fleet*, was read; complaining of great Wrongs, Violences, and barbarous Usage in the Warden of the said Prison towards them, &c. *Alexander Harris*, the Warden, was brought to the Bar, when the Lord Chief Justice told him of his Misdemeanors, and commanded him to use his Prisoners well according to his Duty. Afterwards he was bound in 2000 *l.* Bond for his Appearance at the next Sitting of the Parliament.

It was ordered, That the Lords Sub-Committees, as private Lords, may distribute the Money in the Poormen's Box; and the Money gathered from the House towards the Pains of divers Gentlemen employed in searching Records, The absent Lords to pay as much as the present, *viz.* each Earl or Viscount 40 *s.* and each Bishop and Baron, 20 *s.*

After these Orders, &c. were finished, his Royal Highness the Prince, who, as we have observed before, never missed one Day's Attendance all this long Session, produced the King's Commission for the Adjournment of the Parliament. It was directed to himself and many other Lords, in the usual Form, except one Clause, *viz.* *Sciatis tamen quod Nos, pro diversis certis urgentibus Causis et Considerationibus Nos specialiter moventibus, prædictum Parliamentum nostrum, et omnes Causas et Materias inceptas, et non adhuc terminatas, adjournandum duximus.* By virtue of this Commission, the Commissioners adjourned the Parliament to the 14th of *November* next ensuing. The Lord Chief Baron, with other Judges, were sent to the Commons with the same Instrument, and withal to deliver this Message:

'We are commanded to signify unto you, That his Majesty's Pleasure is, That all Committees, Matters, and Business of Parliament, shall rest in the State as they now are, until the next Meeting.'

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Wilson and Rushworth both inform us, That the House of Commons, immediately before their Recess, took into Consideration again the Affair of the *Palatinate*. And, lest the Slackness shewn in it should be laid to them, they unanimously agreed to draw up a Declaration of their Sentiments in this Matter.

The Motion for this Declaration was made in the House of Commons by Sir *James Perrot*; who said, 'That since his Majesty, at the Beginning of this Parliament, had made a Protestation, to adventure himself, his Son, and all his Estate for the Recovery of the *Palatinate*; we ought to make a public Declaration also, that at our next Access, we will, if the King require it, adventure ourselves and all our Estates to the same Purpose: Which Resolution, he hoped, when known abroad, would greatly facilitate his Majesty's Treaties with foreign Princes.'

This Motion was seconded by several other Members; particularly Sir *Robert Philips*, who said, 'They ought to declare, that if his Majesty shall not, by Peace, obtain the Settlement of true Religion, with the Restitution of the *Palatinate*, they would all undertake for the several Shires and Places for which they served, to adventure all their Fortunes, Lives, and Estates, for those Services.' And, upon the Speaker's Motion of this, every Member shewed his Approbation, by Acclamations, Waving of Hats, &c.

A Committee was immediately appointed, who withdrew to draw up a Form of a Declaration; which being read and approved on, the Speaker was ordered to leave a Copy of it with the King. as a Testimony of their Duty; and every Member took another Copy to carry away with him. The Declaration was in these Words:

The Commons
Declaration for
Recovery of the
Palatinate:

THE Commons assembled in Parliament taking into most serious Consideration the present State of the King's Children Abroad, and the generally afflicted Estate of the true Professors of the same Christian Religion,

Religion, professed by the Church of England, in Foreign Parts; and being touched with a true Sense and Fellow-Feeling of their Distresses, as Members of the same Body, do with unanimous Consent in the Name of themselves, and the whole Body of the Kingdom (whom they represent) declare unto his most Excellent Majesty, and to the whole World, their hearty Grief and Sorrow for the same; and do not only join with them in their humble and devout Prayers unto Almighty God, to protect his true Church, and to avert the Dangers now threatened; but also with one Heart and Voice do solemnly protest, that if his Majesty's pious Endeavours, by Treaty, to procure their Peace and Safety, shall not take that good Effect which is desired in Treaty; (whereof they humbly beseech his Majesty not to suffer any longer Delay) that then, upon Signification of his Majesty's Pleasure in Parliament, they shall be ready, to the utmost of their Powers, both with their Lives and Fortunes, to assist him; so as, by the Divine Help of Almighty God, (which is never wanting unto those, who, in his Fear, shall undertake the Defence of his own Cause) he may be able to do that with his Sword, which by a peaceable Course shall not be effected.

Wilson writes, That the King took this Declaration of the Commons in very good Part, and intended, when Occasion should serve, to make a right Use of it. For as he found them forward enough to begin a War, so he knew his own Constitution backward enough, though the Sword was in his Hand; but did foresee an Advantage arising from a Medium between the Parliament and him, if he could bring his Designs about. This, our Author tells us, he put in Practice some Time after, but the Project broke all to Pieces in the Attempt (d).

Which is agreeable to the King.

There is no Occasion to trouble the Reader with any Reflections on the late Proceedings in Parliament; since they sufficiently explain themselves.

(d) *Wilson in Kennet, p. 738.*

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selves. They prove, however, that Corruptions in Ministers, and other great Officers of State, are no new Things: And it is to be wish'd that Parliaments, in later Times, had more frequently applied themselves to the reforming such Abuses, with the same honest Zeal and Steadiness as their Forefathers.

Hitherto, in this Reign, Things have gone in a seeming peaceable Way, between Prince and People: The Parliament no sooner complained of a Grievance, but the King thought fit to redress it; and every Offender, they mark'd out in those Abuses, was given up to public Justice.

The Historian of this Reign (e) tells us, That in this very Parliament, the King carried all Things with a full Sail; the Pilots of the Commonwealth having an Eye to the Dangers that lay in the Way. That, in both Houses, the King had a strong Party, especially in the House of Lords; all the *Courtiers* and most of the *Bishops* steered by his Compass. The Prince's Presence also, who was a constant Member, did cast an Awe amongst many of them; yet, he adds, there were some gallant Spirits that aimed at the public Liberty more than their own Interest. If any thing was spoken in the House, that did in the least reflect upon the Government, or touch, as the Courtiers thought, that *noli me tangere*, the Prerogative; those that moved it were snap'd up by them, though many Times they met with stout Encounters at their own Weapons. The principal of these were, continues our Authority, *Henry Earl of Oxford*, *Henry Earl of Southampton*, *Robert Earl of Essex*, *Robert Earl of Warwick*, the Lord *Sey*, the Lord *Spencer*, and divers others, that supported the old *English* Honour, and would not let it fall to the Ground (f).

We need not descant upon the Partiality of this Writer, since the foregoing Enquiries into Parliamentary

(e) *Wotton* in *Kennet*.

(f) *Ibid.* p. 736. ——— *Rapin* deduces the Origin of Whigs and Tories from this Parliament, in his Dissertation on that Subject.

mentary Proceedings, from undoubted Authorities, may shew that the old *English* Honour, as he terms it, was in no such Danger of falling; except in the Indolence of the King and Government to revenge foreign Assaults, and the not carrying on a War to support the unhappy *Palatine* Family: For every Grievance, hitherto complained of by the Commons, was redressed; and, during this Recess of Parliament, if we may believe *Rushworth*, the King effectually made good his Promise to them, in clearing away every thing that might give Offence to the most zealous Patriots. The *Collector's* own Words will best evince the Truth of this Assertion.

‘ After the Recess of Parliament, the King, by Proclamation, declared his Grace to his Subjects in Matters of public Grievance: And taking Notice that many great Affairs, debated in Parliament, could not be brought to Perfection in so short a Time, and that the Commons thought it convenient to continue the same Session in Course of Adjournment; and withal observing, that divers of those Particulars required a speedy Determination and Settlement for his People’s Good; and that they are of that Condition and Quality, as that he needeth not the Assistance of Parliament to reform the same; and would have reformed them before the Parliament; if the true State of his Subjects Grievances had been made known unto him; he hath determined, and doth declare an immediate Redress therein, by his own regal Authority, as in the Business of Informers, of Miscarriages of Ministers in Chancery, of the Patents of Gold and Silver-Thread, for licensing Pedlars and Petty-Chapmen, for the sole dressing of Arms, for the Exportation of Lifts and Shreds, and for the sole making Tobacco-Pipes, Cards, and the like. And besides the Redress of these Grievances, he will enlarge his Grace unto other Kinds for his Subjects Ease: And that both his own, and the Ears of his Privy-Council, shall be open to his People’s modest and just Complaints.’

‘ Moreover,

An. 19 James I. 1621. ' Moreover, a second Proclamation was issued forth against Excess of licentious Speech touching State-Affairs: For, notwithstanding the Strictness of the King's former Command, the People's inordinate Liberty of unreverend Speech increased daily. Wherefore the King threatned Severity, as well against the Concealers of such Discourses, as against the Boldness of audacious Tongues and Pens.'

Nothing material happening in the Government, during the Interval of the Recess, but what will best appear in the Sequel, we shall proceed with our *Journals*.

The Parliament meet again.

A Proclamation was published (g), bearing Date from the Court at *Royston*, *October* the 6th this Year, for an Adjournment of the Parliament from *November* the 14th to the 8th Day of *February* next coming. The Reason given for it was, the Season of the Year and Weather making it unfit for the States of the Kingdom to assemble at that Time. But, by another Proclamation, from the same Authority, this Adjournment was altered, on certain urgent and important Occasions, to the 20th of *November*; at which Time they were strictly commanded to meet to do Business (h).

New Creations in the Peers.

At this Access of Parliament, five new created Lords were introduced to their Seats in the House, with the usual Ceremonies. Their Names and Titles were *Thomas* Lord *Darcy* of *Chich*, created Viscount *Colechester*; *Henry* Lord *Hunsdon*, Viscount *Rochford*; *Fulk* *Greville*, Lord *Brook*; *Edward* *Montagu*, Baron *Montagu* of *Boughton*; and *Lionel* *Cranfield* was made Baron *Cranford* of *Cranford* in *Buckfordshire*. This last Person had been, some Time before, made Lord Treasurer of *England* (i), and removed from his Place, in the House,

28

(g) *Rymer's Public Acts*, Tom. XVII. p. 324.

(h) *Ibid.* p. 326.

(i) He succeeded *Edward* Lord Viscount *Mandeville*, (who held that Office not quite a Year, and was made President of the Council) through the Interest of the Marquis of *Buckingham*, whose Relation he had married. *Cranfield* was originally a Citizen, and had been bred up in the Custom-house. *Kennet*, p. 727.

as youngest Baron, to the Seat next above the Lord President of the Council (k). An. 19 James II.
1620.

Then a Message was sent to the other House, by Mr. Justice Jones and Mr. Serjeant Crew, viz. 'That his Majesty, being absent from Parliament, by reason of an Indisposition of Health, had commanded the Lord Keeper to deliver his Pleasure to both Houses;' which the Lords thought fitter to be done at a Meeting: Therefore their Lordships did desire such a Meeting for that Purpose, in the Painted-Chamber, To-morrow at Two in the Afternoon, if that Time stands with their Convenience.' Answer. 'The Commons will attend the Service, at the Time and Place appointed.'

The Prince signified to the House his Majesty's Pleasure, 'That when the Lord Keeper had ended his Speech to both Houses, the Lord Treasurer and Lord Digby should second the same.'

Sir John Bennet and Alexander Harris appeared to answer their Bail, and stand the Judgment of the House.

Nov. 21. This Day was wholly taken up with the Meeting of the two Houses in the Painted-Chamber. And, on the next, there was nothing material done, except, that the Lord Keeper, Lord Treasurer, and Lord Digby were ordered to make Report of the Message from the King, by them delivered Yesterday at the Meeting of both Houses, on Saturday Morning next.

Nov. 24. Accordingly this Day the Lord Keeper of the Great Seal, who was then Dr. John Williams, Bishop of Lincoln, delivered the Report of his Speech, to both Houses, in Form following:

May it please your Highness and this Noble House,
IF I had in my Breast the least Draught of those high Thoughts, with the Roman Orator had in his, when he said, *Nihil dixi quod dixisse pœnituit*, that he never spoke, in his Life, any one Word that he repented of, I should not have been so unwilling

The Lord Keeper, Williams, reports the King's Speech to both Houses.

(k) Journ. Proc. Camden's Annals and Dugdale's Summons.

An. 19 James I. willing to make a Repetition of my other Day's
1621. Message, as by Order of the House I am obliged to do: For, in good Faith, my Performance thereof was so weak, that I had good Reason to desire it might be rather (for the Manner and all the Interest I had therein) buried in Oblivion, than revived with a second Repetition.

‘And yet, considering, that the best Sacrifice I can offer up to this noble Company, is my Humility and Obedience. I will be unto myself, as *Phocion* was to *Demosthenes*, a Kind of Chopping-Knife, to cut off the Superfluities of that Declaration, which wearied all your Lordships the other Day.’

‘I divided, according to my Method indeed, but his Majesty's Matter, the whole Narrative into six several Parts. 1. The Antecedent. 2. The Occasion. 3. The Pattern. 4. The Call. 5. The Form. And lastly, the Continuance of this present Assembly. One of these Parts I let fall in the Division; but took it up again in the Discourse and Narration.’

‘My Antecedent comprehended the several Effects of his Majesty's gracious Care over the Kingdom, since the last Recess, or Departure, of this Assembly: How the three Petitions, presented from both Houses by my Lord's Grace of *Canterbury*, were really answered.’

1. ‘That the Matter of Trade and Distribution of Manufactures to several Parts of the Kingdom was conveniently established. 2. The Importation of Bullion and Conservation of Coin within the Land was discussed, committed, and referred. And lastly, the Exportation of Iron Ordnance was firmly prohibited.’

‘Then I presented to the Noble Houses the Proclamation of Grace, wherein were reformed six or seven and thirty several Matters complained of as public Grievances; all of them without the least Trucking or Merchandizing with the People: A thing usual in former Times; but, out of his Majesty's Zeal of Justice, and no other Consideration in the World, rooted out and eternally abolished.’

‘And

‘ And here I cross’d the Seas and touched upon the Reformation of *Ireland*, begun by a Platform projected by the Council of the one, and polished by the Council of the other, and now to be perfected by Commissioners chosen out from both the Kingdoms. These I called the Fruits of his Majesty’s Vocation, and the Antecedents of this Assembly.’

‘ The Occasion of this Assembly I fastned, partly, upon some Antecedents from abroad, but, principally, upon a Declaration at home; recorded and divulged far and near, by the Representative Commonalty of this Kingdom. I know your Lordships have perused the same, their noble *Manifesto* of the 4th of *June* last. This I made bold to analyze a little, and observed, without altering Phrase or Word, four Circumstances in the same: To the which I applied four Answers, warranted, to a Syllable, by his Majesty’s Directions; as, I hope, my Lords here of the Council will bear me Witness.’

1. ‘ His Majesty was encouraged to travel a little longer in his pious Endeavours to procure a Peace, by way of Treaty: I declared, from him, that all this was done; I wish I could have said as profitably as I could well say charitably.’

2. ‘ His Majesty was besought this Treaty might not be over much lingered and delayed. I shewed from the King, that no more it was; and produced for Testimony, the speedy Return of that noble Lord employed in that Service.’

3. ‘ His Majesty was petitioned, upon the Non-Proficiency of this Treaty and his pious Endeavours, to signify his Pleasure in open Parliament. I told them, from the King, that this Petition was likewise granted; and was the principal Cause why both Houses were now re-assembled.’

‘ Lastly, His Majesty is assured, upon this Signification, &c. which I shewed them, That peaceable Courses are not so effectual, the Breaches being now grown so wide and desperate. And thus I stated the Occasion of this Re-assembly.’

‘ In

Jan. 29 James I.
1621.

‘ In the third Place, I touched upon an heroical Act of his Majesty, which I called a Pattern for this Assembly; and that is the Advancement of 40,000*l.* to keep together the Body of an Army in the *Lower Palatinate*; the which had otherwise been dissolv’d before this Parliament could be assembled. I noted that, without this, their Resolution had been lost; and so will all this be still without their further Resolution.’

‘ In the fourth, I excused the Call of this Assembly, which might seem to some Men not to be so punctual; and shewed them, that, like War itself, so are the Summons thereof accompanied with Disorder and Confusion. For, in Matters of this Nature, as I noted out of a good Author, *Quæ legitimum*, &c. Those Parliaments which stand upon their precise, &c. (1).’

‘ Fifthly, I touched upon the Form of this Assembly; which his Majesty’s Pleasure was should rather be by ancient than modern Precedents, That all, &c. and all cunning and malicious Diversions avoided, for such Things, well know, there are in the World; they should, secondly, really, &c.

‘ In the last Place, I came unto the Continuance of this Assembly, which his Majesty limits, at this Time, to some seven or eight Days before *Christmas*; but renews again on the eighth of *February* next, to continue then for the enacting of Laws and perioding of these Reformatations, as long as the Necessity of the State shall require the same.’

‘ And now I have presented your Lordships the natural Bird, as it came from the Nest, without so much as a Feather of my own Invention: For this is no Speech but only Minutes of his Majesty’s Directions. I shall only add, first, my Preface, containing his Majesty’s Indisposition rather than Absence; for absent his Majesty thought he could not be, as long as he was represented by such a Son: A Son, of whom I may say, as *Pliny* did of *Coccina*,
Parenti

(1) This Paragraph and the next are left unintelligible, in the *Journals*, perhaps on Purpose: Because they seem to point at some Reflections, too strong to be recorded.

Pārenti non minus ob alia charus, quam quod Filius An. to James I.
fit, as dear to his Majesty, for many other Respects, 1621.
as because he is his Son.

‘ Then by double Prayer, the one to your Lordships, which I now repeat again and make for myself, for the Time past, present; and to come, to pardon the Weakness and innumerable Imperfections of your most unworthy Speaker; the other unto God; for his Holy Spirit to be present and president in this Assembly.’

After the Lord Keeper had ended his Report, the Lord Digby stood up; and made a short Repetition of that Part of his Speech; which his Lordship had delivered at the same Time, to both Houses; about the State of Affairs abroad, in the following Terms:

IN the Delivery of the Message I had from the King, I presented these three Considerations; first, his Majesty’s Proceedings and the Issue of them; next, the State of the Business at this present Time; and lastly, what Redress was fittest to be done.

Lord Digby’s
Recital of his
Speech upon the
same Occasion.

‘ I began with his Majesty’s Proceedings from the unfortunate Overthrow at *Prague*. Upon the News of which his Majesty, instantly, considered what was to be done, and resolved that the best was, to keep the Princes of the Union in Arms; and, to continue their Army, his Majesty sent them 30,000*l.* by *Albertus Morton*: Then his Majesty sent to Sir *Edward Villiers* into *Silesia*, to fetch the *Palgrave’s* Submission unto the Emperor, upon such Conditions as his Majesty should think fit.’

‘ His Majesty then, also, sent me unto the Archduke *Albertus*, to propose a Reconciliation; and sent to him the first, because he had the greatest Stroke in the Affairs of the Empire, and greatest Command over the *Spanish* Army; in regard the Emperor had all his Greatness, saving a few little Provinces, by Resignation from the said Archduke.’

An. 19 James I.
1621.

‘ The Archduke willingly assented unto a Reconciliation, in favour of his Majesty; and, to that End, the Archduke writ Letters to the Emperor and King of *Spain*. In the *Interim*, the Princes of the Union grew to disband; whereupon, the Archduke, to shew his Willingness to a Reconciliation, did procure *Spinola* to cease from the War. By those Means the *Palatinate* was saved, which otherwise had been lost, and this Cessation continued all the Life-time of the Archduke.’

‘ Sir *Edward Villiers* and I returned into *England* about the same Time; I bringing with me the Cessation from War, and he the *Palsgrave’s* Submission. And now the Business was ready for a general Treaty, which his Majesty, at the first, intended to have with the Emperor touching the Reconciliation; and I was employed in that Errand, accompanied with Letters of Recommendation from the Kings of *France, Spain, Poland, and Denmark*.’

‘ The Propositions which I was to make to the Emperor were, That the *Palsgrave* should be restored to his Lands and Honours, in all Points, as he enjoyed them when he married his Majesty’s Daughter: The *Palsgrave* submitting himself to the Emperor, upon such Conditions as the Emperor and his Majesty should agree on.’

‘ The Emperor answered, That he was willing to gratify his Majesty’s Demands, for the great Moderation which he found in his Majesty in the Business of *Bahemia*, so as the King would undertake for the *Palsgrave’s* Submission. But the Emperor referred the Conclusion of this Business unto the Diet.’

‘ Then I made a second Proposition, viz. That War might cease until Matters were debated by the Diet. Unto which the Emperor answered, That he did not take it to be War or Hostility that he waged against the *Palsgrave*. Yet, in Favour to his Majesty, he would agree to a Cessation.’

‘ After.

An. 19, James I.
1621.

‘ After this, the Emperor hastening the Diet, the Princes denied their Appearance at the same, in regard they were under such Concern as to look to themselves and stand upon their Guard: Whereupon I moved the Emperor to send to every Prince particularly, and acquaint him with his Majesty’s Propositions; which the Emperor did accordingly.’

‘ Upon Answer from the Princes, the Emperor wrote his Letter to his Majesty, in Answer to the Propositions, which I received, thinking all Business had, in Effect, been fully concluded on. In which Letters there was contained, That the Emperor had written to the Duke of *Bavaria* and the *Infanta*, for a Cessation from Arms; and that himself had granted a Promise, either to procure Count *Mansfield* to lay down his Arms, or else that his Majesty would declare Count *Mansfield* an Enemy. In these Letters, also, the Emperor did write, That he would not take up Arms again, until three Months after he had given Notice to his Majesty that he would renew the War.’

‘ Then I shewed the Reason why the Emperor would not agree to any Truce, without the Duke of *Bavaria*: First, in regard of the Emperor’s Agreement in the Beginning of the Troubles, neither to make Peace nor War without the Consent of the said Duke; which happened because that upon the former Truce made with the said Duke, the Soldiers that were in the *Lower Palatinate*, and wanted Employment, came up into the *Higher*, and much infested the Duke of *Bavaria*. Secondly, in regard the said Duke had a great Part of *Austria* in Pledge for his Satisfaction. Thirdly, because the Emperor was barred out of all Passage but through *Bavaria*, *Bethlem-Gabar*, *Rensperpe*, and *Budianus*.’

‘ I coming to Count *Mansfield* to treat with him about laying down his Arms, found plainly, That the Duke of *Bavaria* had, from the Beginning, affected to get unto himself the *Palatinate* and the Title of Elector.’

H h 2

• The

An. 19 James I.
1621.

‘ The Duke of *Bavaria*, in his Letters which he wrote to me, upon Receipt of the Emperor’s Letter to him concerning the Truce, did discover this Intention : For he wrote, That I should not need to labour for a Truce, for the Wars were at an End ; in that he had agreed with Count *Mansfield*, so that he doubted not but to keep both the *Palatinates* in Peace, until the Emperor and the *Palsgrave* had agreed. And here, I noted, That this *Answer* was a bitter *Oraison*.’

‘ The *Infanta* refused to have a Peace, and acquainted me, that such was the Emperor’s Mind also ; whereupon I observed, That the Emperor’s Answers to his Majesty’s Propositions had been deferred ; so that now it was come, either that his Majesty should leave his Children or else denounce War.’

‘ Touching the present State of the *Palatinate*, I shewed, That Count *Mansfield* was come down into the lower Part with 16,000 Men, and Sir *Horace Vere* had about 5000 ; all these having endured the Hardships of War for near two Years. And here I observed, That much was saved by these Means, which must have been spent in raising, arming, and carrying over so many thousand Soldiers into that Place.’

‘ I said further, That the People of the *Palatinate* had lived free from Oppression and Rapine under the *Spanish* Army ; and that therefore some speedy Course was to be taken for sending of Money thither, lest *Mansfield’s* Soldiers, thro’ Want, should be driven to fall to spoil those of the *Palatinate*, and breed a Liking in them to the *Spanish* Government. I noted further, That Count *Mansfield’s* Army did not consist of Men, which fought for their Country, Wives, or Children, but for Money ; which they must have speedily, or they are gone : And if the Count, for want of Pay, should take a Dislike, he might, for Honour, or other Reward, fall off to the Emperor, and then all were lost.’

‘ I also briefly described unto them the present State of all *Christendom* ; the Power of the Emperor, and of the five Armies maintained by the King

King of Spain: That the Forces of the Princes of An. 19 James I.
the Union were disbanded; and that the Catholic 1621.
League did continue to hold firm.'

'I observed how bravely Sir *Horace Vere* and Captain *Borough* had behaved themselves of late in the *Palatinate*; and that, by the Wisdom and Valour of Sir *Horace, Heidelbergh* was kept from the Enemy, being a Place of small Strength; *Mainham*, a very strong Town; *Frankendale*, which had endured a Month's Siege, and *Worms*; which is the present State of the *Palatinate*.'

'Touching what Redress was fittest, I concluded, That it was proper to cherish and keep up that Army which is already there, which must be with Supplies of Money; and that more Forces must be prepared against next Spring, so as we might have there an Army of our own, to the Strengthening the *Palatinate*, and Encouragement of the Princes of the Union. This I recommended unto them, and wished that every one would shew his Zeal and Affection to his Majesty therein.'

The Lord Treasurer next made his Report of the Message, which he delivered to both Houses, to this Effect:

The Lord Treasurer's Report of his Message relating to the Supply.

'That his Lordship declared unto them the present State of the Exchequer, and Smallness of his Majesty's Revenues; and that the two Subsidies, granted this Parliament, were spent about the *Palatinate*.'

'That the Business, now in Hand, required a great and a speedy Supply, wherein his Majesty had taken some Course out of his own; and his Lordship doubted not but that the Commons would add thereunto, and perform what they had so nobly promised in their Manifesto; the Disposing whereof they need not to doubt of, but that his Majesty intended the same to be wholly employed for the Recovery of the *Palatinate*.'

'Lastly, he wished that the Commons would so handle this Business, as to make his Majesty in Love with Parliaments.'

H h 3

These

AN. 19 James I.
1621.

These several Reports being made, the Lords proceeded to regulate Committees on divers Bills; which, with some other Matters of less Moment, concluded the Business of that Day.

November 26. Nothing being done this Day, nor in the several Days following, in the House of Lords, but hearing Complaints and redressing Matters of Privileges, &c. it may be necessary to examine into the Behaviour of the Commons at this Juncture.

The first Day's Debates are very long, and turn chiefly on the State of the *Palatinate*, and of Religion in *Germany*; but say no more of the former than what is already given in Lord *Digby's* Declaration.

Which, notwithstanding, moves heavily in the Commons.

Notwithstanding these pressing Remonstrances, from the Ministry, of the Exigencies of State, the Commons were in no Haste to grant Supplies; but, instead thereof, went upon the old Topics of Grievances and the Means to redress them. The principal Point of which was the Growth of *Popery* in the Kingdom; which they were at this Time more earnest to insist on, because the great Match, between Prince *Charles* and the *Infanta* of *Spain*, was then on the Carpet. The Commons, to shew their Dislike to this Conjunction, drew up a long Remonstrance against *Popery* in general, and the evil Effects which might accrue to the Nation by this Match in particular.

Wilson informs us, 'That the King, hearing the House of Commons were hammering upon this Remonstrance, went to *Newmarket*; a cold and bleak Air, in as cold and bleak a Season, pretending his Health; but indeed, says that Author, to be farther from the Sound of that Noise which perpetually possessed his Ears, of the Discontent of the Commons to this Match. He adds, That as the Business grew up, he had Intimation of it from his Creatures in the House; who aggravated the Matter to the King with all the Acrimony they could; so far as to reflect upon particular Persons who

who were the most active Instruments in it. The Petition and Remonstrance itself, tho' not presented, is yet preserved in *Wilson* and *Rushworth*; and claims a Place in these Enquiries.

An. 19 James I.
1621.

Most Gracious and Dread Sovereign,

WE your Majesty's most humble and loyal Subjects, the Knights, Citizens, and Burgeses, now assembled in Parliament, who represent the Commons of your Realm, full of hearty Sorrow to be deprived of the Comfort of your Royal Presence, the rather, for that it proceeds from the Want of your Health, wherein we all unfeignedly do suffer; in all humble Manner calling to Mind your gracious Answer to our former Petition concerning Religion, which, notwithstanding your Majesty's pious and princely Intentions, hath not produced that good Effect, which the Danger of these Times doth seem to us to require: And finding how ill your Majesty's Goodness hath been requited by Princes of different Religion, who even in Time of Treaty, have taken Opportunity to advance their own Ends, tending to the Subversion of Religion and Disadvantage of your Affairs, and the Estate of your Children: By reason whereof, your ill-affected Subjects at Home, the Popish Recusants, have taken too much Encouragement, and are dangerously encreased in their Number and in their Insolencies. We cannot but be sensible thereof, and therefore humbly represent what we conceive to be the Causes of so great and growing Mischiefs, and what be the Remedies.

Their Petition
and Remon-
strance against
Popery, the Spa-
nish Match, &c.

I. The Vigilancy and Ambition of the Pope of Rome, and his dearest Son; the one aiming at as large a Temporal Monarchy, as the other at a Spiritual Supremacy.

II. The Devilish Positions and Doctrines, whereon Popery is built, and taught with Authority to their Followers, for Advancement of their Temporal Ends.

III. The distressed and miserable Estate of the Professors of true Religion in Foreign Parts.

IV. The disastrous Accidents to your Majesty's Children Abroad, expressed with Rejoicing, and even with Contempt of their Persons.

H h 4

V. The

An. 19 James I,
1621.

V. *The strange Confederacy of the Princes of the Popish Religion, aiming mainly at the Advancement of theirs, and subverting of ours, and taking the Advantages conducing to that End upon all Occasions.*

VI. *The great and many Armies raised and maintained at the Charge of the King of Spain, the Chief of that League,*

VII. *The Expectation of the Popish Recusants of the Match with Spain, and feeding themselves with great Hopes of the Consequences thereof.*

VIII. *The interposing of Foreign Princes and their Agents, in the behalf of Popish Recusants, for Connivance and Favour unto them.*

IX. *Their open and usual Resort to the Houses, and, which is worse, to the Chapels of Foreign Ambassadors.*

X. *Their more than usual Concourse to the City, and their frequent Conventicles and Conferences there.*

XI. *The Education of their Children in many several Seminaries and Houses of their Religion, in Foreign Parts, appropriated to the English Fugitives.*

XII. *The Grants of their just Forfeitures intended by your Majesty, as a Reward of Service to the Grantees; but, beyond your Majesty's Intention, transferred or compounded for, at such mean Rates, as will amount to little less than a Toleration.*

XIII. *The licentious printing and dispersing of Popish and seditious Books, even in the Time of Parliament.*

XIV. *The Swarms of Priests and Jesuits, the common Incendiaries of all Christendom, dispersed in all Parts of your Kingdom.*

And from these Causes, as bitter Roots, we humbly offer to your Majesty, that we foresee and fear there will necessarily follow very dangerous Effects both to Church and State. For,

I. *The Popish Religion is incompatible with ours, in respect of their Positions.*

II. *It draweth with it an unavoidable Dependency on Foreign Princes.*

III. *It*

III. *It openeth too wide a Gap for Popularity, to any who shall draw too great a Party.* An. 19 James I.
1621.

IV. *It hath a restless Spirit, and will strive by these Gradations; if it once get but a Connivance, it will press for a Toleration; if that should be obtained, they must have an Equality; from thence they will aspire to Superiority, and will never rest till they get a Subversion of the true Religion.*

The Remedies against these growing Evils, which, in all Humility, we offer unto your most Excellent Majesty, are these:

I. *That seeing this inevitable Necessity is fallen upon your Majesty, which no Wisdom or Providence of a peaceable and pious King can avoid; your Majesty would not omit this just Occasion, speedily und effectually to take your Sword in your Hand.*

II. *That once undertaken upon so honourable and just Grounds, your Majesty would resolve to pursue, and more publicly avow, the aiding of those of our Religion in Foreign Parts; which doubtless would reunite the Princes and States of the Union, by these Disasters disheartened and disbanded.*

III. *That your Majesty would propose to yourself to manage this War with the best Advantage, by a Diversion or otherwise, as in your deep Judgment shall be found fittest; and not to rest upon a War in these Parts only, which will consume your Treasure, and discourage your People.*

IV. *That the Bent of this War, and Point of your Sword, may be against that Prince (whatsoever Opinion of Potency he hath) whose Armies and Treasures have first diverted, and since maintained the War in the Palatinate.*

V. *That for securing of our Peace at Home, your Majesty would be pleased to review the Parts of our Petition, formerly delivered unto your Majesty, and hereunto annexed; and to put in Execution, by the Care of choice Commissioners to be thereunto especially appointed, the Laws already and hereafter to be made for preventing of Dangers by Popish Recusants, and their wonted Evasions.*

VI. *That*

An. 19 June 1661.

VI. That to frustrate their Hopes for a future Age, our most noble Prince may be timely and happily married to one of our own Religion.

VII. That the Children of the Nobility and Gentry of this Kingdom, and of others ill-affected and suspected in their Religion, now beyond the Seas, may be forthwith called Home by your Means, and at the Charge of their Parents or Governors.

VIII. That the Children of Popish Recusants, or such whose Wives are Popish Recusants, be brought up, during their Minority, with Protestant Schoolmasters and Teachers, who may sow, in their tender Years, the Seeds of true Religion.

IX. That your Majesty will be pleased speedily to revoke all former Licences for such Children and Youth to travel beyond the Seas, and not grant any such Licence hereafter.

X. That your Majesty's learned Counsel may receive Commandment from your Highness, carefully to look into former Grants of Recusants Lands, and to avoid them, if by Law they can; and that your Majesty will stay your Hand from passing any such Grants hereafter.

This is the Sum and Effect of our humble Declaration, which we (no Ways intending to press upon your Majesty's undoubted and regal Prerogative) do with the Fulness of our Duty and Obedience, humbly submit to your most Princely Consideration: The Glory of God, whose Cause it is; the Zeal of our true Religion, in which we have been born, and wherein (by God's Grace) we are resolved to die; the Safety of your Majesty's Royal Person, who is the very Life of your People; the Happiness of your Children and Posterity; the Honour and Good of the Church and State, dearer unto us than our own Lives, having kindled these Affections truly devoted to your Majesty.

And seeing out of our Duty to your Majesty, we have already resolved to give, at the End of this Session, one entire Subsidy, for the present Relief of the Palatinate only, to be paid in the End of February next,

next, which cannot well be effected but by passing a Bill in a Parliamentary Course before Christmas; we most humbly beseech your Majesty (as our assured Hope is) that you will then also vouchsafe to give Life, by your Royal Assent to such Bills, as before that Time shall be prepared for your Majesty's Honour, and the Good of your People: And that such Bills may be also accompanied (as hath been accustomed) with your Majesty's gracious Pardon which (proceeding from your own meer Grace) may, by your Highness's Direction, be drawn to that Latitude and Extent, as may best sort with your Majesty's Bounty and Goodness. And that not only Felons and criminal Offenders may take Benefit thereof, but that your good Subjects may receive Ease thereby. And if it shall so stand with your good Pleasure, That it may extend to the Relief of the old Debts and Duties to the Crown before the first Year of your Majesty's Reign; to the Discharge of Alienations without Licence, and misusing of Liveries and Oustre le Maine, before the first Summons of this Parliament; and of concealed Wardships, and not suing of Liveries, and Oustre le Maines, before the Twelfth Year of your Majesty's Reign. Which gracious Favour would much comfort your good Subjects, and ease them from Vexation, with little Loss or Prejudice to your own Profit.

And we, by our daily and devout Prayers to the Almighty, the great King of Kings, shall contend for a Blessing upon our Endeavours; and for your Majesty's long and happy Reign over us; and for your Children's Children after you, for many and many Generations.

We are told that when this Remonstrance was perfected by the Commons, the King had a Copy of it before the House had Time to send their Messengers with it. In which some Things so highly displeased him, that he instantly dispatched the following Letter to the Speaker, to forbid the sending of it.

To

Ans^r 19 James I. To our Trusty and Well-beloved Sir Thomas Richardson, Knight, Speaker of the House of Commons.

Mr. Speaker,

The King's Letter to the Speaker to forbid the Presentment thereof.

WE have heard, by divers Reports, to our great Grief, that our Distance from the Houses of Parliament, caused by our Indisposition of Health, hath emboldened some fiery and popular Spirits of some of the House of Commons, to argue and debate publicly of Matters far above their Reach and Capacity, tending to our high Dishonour, and Breach of Prerogative Royal. These are therefore to command you to make known, in our Name, unto the House, That none therein shall presume henceforth to meddle with any thing concerning our Government, or deep Matters of State; and, namely, not to deal with our dearest Son's Match with the Daughter of Spain, not to touch the Honour of that King, or any other our Friends and Confederates: And also not to meddle with any Man's Particulars, which have their due Motion in our ordinary Courts of Justice. And whereas we hear, they have sent a Message to Sir Edwin Sandys, to know the Reasons of his last Restraint; you shall in our Name resolve them, that it was not for any Misdemeanor of his in Parliament: But to put them out of Doubt of any Question of that Nature, that may arise among them hereafter, you shall resolve them in our Name, That we think ourself very free and able to punish any Man's Misdemeanors in Parliament, as well during their Sitting as after: Which we mean not to spare hereafter, upon any Occasion of any Man's insolent Behaviour there that shall be ministered unto us: And if they have already touched any of these Points, which we have here forbidden, in any Petition of theirs, which is to be sent unto us, it is our Pleasure that you shall tell them, That except they reform it before it come to our Hands, we will not deign the Hearing, not Answering of it.

Dated at Newmarket, Dec. 3, 1621.

Upon

Upon the Receipt of this Letter, the Commons As. 19 James I.
1621. were in a great Bustle; and dispatched Messengers immediately, to bring back those they had sent with their Remonstrance to deliver to the King. Afterwards they drew up the following Petition, which they sent along with their former, by twelve of their Members (m).

Most Dread and Gracious Sovereign,

WE your most humble and loyal Subjects, the Their second Re-
monstrance
thereupon. Knights, Citizens, and Burgeesses, assembled in the Commons House of Parliament, full of Grief and unspeakable Sorrow, through the true Sense of your Majesty's Displeasure, expressed by your Letter lately sent to our Speaker, and by him related and read unto us: Yet comforted again with the Assurance of your Grace and Goodness, and of the Sincerity of our own Intentions and Proceedings, whereon with Confidence we can rely; in all Humbleness beseech your most Excellent Majesty, that the Loyalty and Dutifulness of as faithful and loving Subjects as ever served, or lived under a gracious Sovereign, may not undeservedly suffer by the Misinformation of partial and uncertain Reports, which are ever unfaithful Intelligencers: But that your Majesty would, in the Clearness of your own Judgment, first vouchsafe to understand from ourselves, and not from others, what our humble Declaration and Petition (resolved upon by the universal Voice of the House, and proposed, with your gracious Favour, to be presented unto your Sacred Majesty) doth contain. Upon what Occasion we entered into Consideration of those Things which are therein contained, with what Dutiful Respect to your Majesty and your Service, we did consider thereof, and what was our true Intention thereby. And that when your Majesty shall thereby truly discern our dutiful Affections, you will, in your Royal Judgment, free us from those heavy Charges, wherewith some of our Members are burthened, and wherein the whole House is involved.

And

(m) *Wilson* says it was reported, That, when the King heard of this second Remonstrance, he called for twelve Chairs, saying, there were twelve Kings a coming.

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1621.

And we humbly beseech your Majesty, that you would not hereafter give Credit to private Reports, against all or any of the Members of our House, whom the whole have not censured, until your Majesty have been truly informed thereof from ourselves : And that in the mean Time, and ever, we may stand upright in your Majesty's Grace and good Opinion, than which no worldly Consideration is or can be dearer unto us.

When your Majesty had re-assembled us in Parliament by your Royal Commandment, sooner than we expected; and did vouchsafe, by the Mouths of three honourable Lords, to impart unto us the weighty Occasions moving your Majesty thereunto; from them we did understand these Particulars, viz.

That notwithstanding your princely and pious Endeavours to procure Peace, the Time is now come that Janus Temple must be opened.

That the Voice of Bellona must be heard, and not the Voice of the Turtle.

That there was no Hope of Peace, nor any Truce to be obtained, no not for a few Days.

That your Majesty must either abandon your own Children, or engage yourself in a War; wherein Consideration is to be had, what Foot, what Horse, what Money will be sufficient.

That the Lower Palatinate was seized upon by the Army of the King of Spain, as Executor of the Bath there, in quality of Duke of Burgundy, as the Upper Palatinate was by the Duke of Bavaria.

That the King of Spain, at his own Charge, had now at least five Armies on Foot.

That the Princes of the Union were disbanded; but the Catholic League remained firm, whereby those Princes, so dissevered, were in Danger, one by one, to be ruined.

That the Estate of those of our Religion in foreign Parts was miserable; and, out of these Considerations, we were called to a War; and forthwith to advise for a Supply for keeping the Forces in the Palatinate from being disbanded; and to foresee the Means for

for raising and maintaining the Body of an Army, An. 19 Jan. 1621. for the War, against the Spring. We therefore, out of Zeal to your Majesty and your Posterity, with more Alacrity and Celerity than ever was preceded in Parliament, did address ourselves to the Service commended unto us. And altho' we cannot conceive, that the Honour and Safety of your Majesty and your Posterity, the Patrimony of your Children invaded and possessed by their Enemies, the Welfare of Religion, and State of your Kingdom, are Matters at any Time unfit for our deepest Consideration in Time of Parliament: And altho', before this Time, we were in some of these Points silent; yet being now invited thereunto, and led on by so just an Occasion, we thought it our Duties to provide for the present Supply thereof, and not only to turn our Eyes on a War abroad, but to take Care for the securing of our Peace at home; which the dangerous Increase and Insolency of Popish Recusants apparently, visibly, and sensibly did lead us unto. The Consideration whereof did necessarily draw us truly to represent unto your Majesty, what we conceive to be the Causes, and what we feared would be the Effects, and what we hoped might be the Remedies of these growing Evils; among which, as incident and unavoidable, we fell upon some Things, which seem to touch upon the King of Spain; as they have Relation to Popish Recusants at home, to the Wars by him maintained in the Palatinate against your Majesty's Children, and to his several Armies now on Foot; yet, as we conceived; without Touch of Dishonour to that King, or any other Prince, your Majesty's Confederate.

In the Discourse whereof we did not assume to ourselves any Power to determine of any Part thereof, nor intend to incroach or intrude upon the sacred Bounds of your Royal Authority; to whom, and to whom only, we acknowledge it doth belong to resolve of Peace and War, and of the Marriage of the most Noble Prince your Son: But as your most loyal and humble Subjects and Servants, representing the whole Commons of your Kingdom, (who have a large Interest in the happy and prosperous Estate of
your

An. 19 James II.
1688.

your Majesty, and your Royal Posterity, and of the flourishing Estate of our Church and Common-Wealth) did resolve, out of our Cares and Fears, truly and plainly to demonstrate these Things to your Majesty, which we were not assured could otherwise come so fully and clearly to your Knowledge; and that being done, to lay the same down at your Majesty's Feet, without Expectation of any other Answer of your Majesty, touching these higher Points, than what at your good Pleasure, and in your own Time, should be held fit.

This being the Effect of what we had formerly resolved upon, and these the Occasions and Reasons inducing the same, our humble Suit to your Majesty, and Confidence is, That your Majesty will be graciously pleased to receive, at the Hands of these our Messengers, our former humble Declaration and Petition, and vouchsafe to read, and favourably to interpret the same; and that to so much thereof as containeth our humble Petition concerning Jesuits, Priests, and Popish Recusants, the Passage of Bills, and granting your Royal Pardon, you will vouchsafe an Answer unto us.

And whereas your Majesty, by the general Words of your Letter, seemeth to restrain us from intermeddling with Matters of Government, or Particulars which have their Motion in Courts of Justice; the Generality of which Words, in the Largeness of the Extent thereof, (as we hope beyond your Majesty's Intention) might involve those Things, which are the proper Subjects of Parliamentary Occasions and Discourse.

And whereas your Majesty doth seem to abridge us of the ancient Liberty of Parliament, for Freedom of Speech, Jurisdiction, and just Censure of the House, and other Proceedings there, (wherein, we trust in God, we shall never transgress the Bounds of loyal and dutiful Subjects) a Liberty which, we assure ourselves, so wise and so just a King will not infringe, the same being our ancient and undoubted Right, and an Inheritance received from our Ancestors; without which

we

we cannot freely debate, nor clearly discern of Things ^{As. 19 James I.}
in question before us, nor truly inform your Majesty :
In which we have been confirmed by your Majesty's
most gracious former Speeches and Messages. We are
therefore now again enforced, in all Humbleness, to
pray your Majesty to allow the same; and thereby to
take away the Doubts and Scruples your Majesty's
late Letter to our Speaker hath wrought upon us.

So shall we, your loyal and loving Subjects, ever
acknowledge your Majesty's Justice, Grace, and Good-
ness, and be ready to perform that Service to your
Majesty, which, in the true Affection of our Hearts,
we profess; and pour out our daily and fervent Prayers
to the Almighty for your Majesty's long Life, happy
and religious Reign, and prosperous Estate, and for
your Royal Posterity after you for ever.

The King having rejected the first Petition, gave
to the latter this Answer following :

WE must here begin in the same Fashion ^{His Majesty's}
that we would have done, if the first ^{Answer thereto.}
Petition had come to our Hands before we had
made a Stay thereof; which is to repeat the first
Words of the late Queen of famous Memory,
used by her, in an Answer to an insolent Pro-
position made by a Polonian Ambassador unto
her; that is, *Legatum expectabamus, Heraldum*
accipimus. For we had great Reason to expect
that the first Message from your House should
have been a Message of Thanksgiving for our
continued gracious Behaviour towards our People,
since your last Recess; not only by our Pro-
clamation of Grace, wherein were contained
six or seven and thirty Articles, all of several
Points of Grace to the People; but also by the
Labour we took for the Satisfaction of both
Houses, in those three Articles recommended
unto us, in both their Names (*n*), by the Right
Reverend Father in God, the Archbishop of Can-
terbury; and likewise for the good Government
of Ireland, we are now in Hand with, at your
VOL. V. I i Request :

(*) See before, p. 468, 9.

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1621.

Request: But not only have we heard no News
of all this, but contrarily, great Complaints of
the Danger of Religion within this Kingdom,
tacitly implying our ill Government in this
Point. And we leave you to judge whether it
be your Duties, that are the Representative Body
of our People, so to distaste them with our Go-
vernment; whereas, on the contrary, it is your
Duty, with all your Endeavours, to kindle more
and more a dutiful and thankful Love in the
Peoples Hearts towards us, for our just and gra-
cious Government.

Now whereas, in the very Beginning of this
your Apology, you tax us, in fair Terms, of
trusting uncertain Reports, and partial Informa-
tions concerning your Proceedings: We wish you
to remember, that we are an old, and experi-
enced King, needing no such Lessons, being, in
our Conscience, freest of any King alive, from
hearing or trusting idle Reports; which so many
of your House, as are nearest us, can bear Wit-
ness unto you, if you would give as good Ear
to them, as you do to some Tribunitial Orators
among you: And, for Proof in this Particular,
we have made your own Messengers confer
your other Petition sent by you, with the Copy
thereof which was sent us before; between
which there is no Difference at all, but that
since our receiving the first Copy you added a
Conclusion unto it, which could not come to
our Hands, till it was done by you, and your
Messengers sent; which was all at one Time.
And if we had had no Copy of it before-hand,
we must have received your first Petition, to our
great Dishonour, before we had known what it
contained; which would have enforced us to have
returned you a far worse Answer than now we
do; for then your Messengers had returned with
nothing, but that we have judged your Petition
unlawful, and unworthy of an Answer. For,
as to your Conclusion thereof, it is nothing but
Protestatio contraria Facto; for, in the Body of
your

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your Petition, you usurp upon our Prerogative Royal, and meddle with Things far above your Reach, and then in the Conclusion you protest the contrary; as if a Robber would take a Man's Purse, and then protest he meant not to rob him. For first, you presume to give us your Advice concerning the Match of our dearest Son with some *Protestant*, (we cannot say Princess, for we know none of these fit for him) and dissuade us from his Match with *Spain*, urging us to a present War with that King; and yet, in the Conclusion; forsooth, ye protest ye intend not to press upon our most undoubted and Regal Prerogative; as if the Petitioning of us in Matters, that yourselves confess ye ought not to meddle with, were not a meddling with them.

And whereas ye pretend, That ye were invited to this Course by the Speeches of three honourable Lords; yet, by so much as yourselves repeat of the Speeches, nothing can be concluded, but that we were resolved by War to regain the *Palatinate*, if otherwise we could not attain unto it. And you were invited to advise forthwith upon a Supply, for keeping the Forces in the *Palatinate* from Disbanding, and to foresee the means for the Raising, and Maintenance of the Body of an Army for that War against the Spring. Now, what Inference can be made upon this; that therefore we must presently denounce War against the King of *Spain*, break our dearest Son's Match, and match him to one of our Religion, let the World judge. The Difference is no greater, than if we should tell a Merchant, that we had great need to borrow Money from him for raising an Army; that thereupon it would follow, that we were bound to follow his Advice in the Direction of the War, and all Things depending thereupon. But yet, not contenting yourselves with this Excuse of yours, which indeed cannot hold Water, ye come after to a direct Contradiction to the Conclusion of your former Petition, saying, That

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1621.

the Honour and Safety of us and our Posterity,
and the Patrimony of our Children invaded and
possessed by their Eemies, the Welfare of Religion,
and State of our Kingdom, are Matters,
at any Time, not unfit for your deepest Considerations
in Parliament. To this Generality, we answer with the Logicians,
That where all Things are contained, nothing is omitted :
So as this Plenipotency of yours invests you in all Power
upon Earth, lacking nothing but the *Pope's* to have the Keys
also both of Heaven and Purgatory : And to this vast
Generality of yours we can give no other Answer ; for it
will trouble all the best Lawyers in the House to make a good
Commentary upon it : For so did the *Puritan Ministers*
in *Scotland* bring all Kind of Causes within the
Compass of their Jurisdiction, saying, That it was the
Church's Office to judge of Slander ; and there could
no Kind of Crime or Fault be committed, but there was
a Slander in it, either against God, the King, or their
Neighbour ; and, by this Means, they hooked in to
themselves the Cognizance of all Causes : Or, like
Bellarmino's Distinction of the *Pope's* Power over Kings,
in ordine ad Spiritualia, whereby he gives them all
Temporal Jurisdiction over them.

But to give you a direct Answer to the Matter of War,
for which you are so earnest : We confess, we rather
expected you should have given us Thanks for the so long
maintaining a settled Peace in all our Dominions,
when all our Neighbours about are in miserable
Combustion of War ; but, *dulce Bellum inexpertis*.
And we indeed find by Experience, that a Number
of our Subjects are so pampered with Peace, as they
are desirous of Change, tho' they know not what.

It is true, that we have ever professed (and, in
that Mind, with God's Grace, we will live and die)
that we will labour by all Means possible, either by
Treaty, or by Force, to restore our Children to their
ancient Dignity and Inheritance : And whatsoever
Christian Princes or Potentates

will

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1621.

will set themselves against it, we will not spare any lawful Means to bring our so just and honourable Purpose to a good End; neither shall the Match of our Son, or any other worldly Respect, be preferred to this our Resolution. For, by our Credit and Intervention with the King of Spain, and the Arch-Dutchess, and her Husband now with God, we preserved the *Lower Palatinate* one whole Year from any further Conquering in it; which, in any eight Days Space in that Time, might have easily been swallowed up by *Spinola's* Army, without any Resistance. And in no better Case was it now, at our Ambassador the Lord *Digby's* coming thro' *Heidelberg*, if he had not extraordinarily succoured it.

But because we conceive, that ye couple this War of the *Palatinate* with the Cause of Religion, we must a little unfold your Eyes herein.

The Beginning of this miserable War, which hath set all *Christendom* on Fire, was not for Religion; but only caused by our Son-in-Law's hasty and harsh Resolution, following evil Counsel, to take to himself the Crown of *Bohemia*.

And that this is true, himself wrote Letters unto us at that Time, desiring us to give Assurance both to the *French King*, and State of *Venice*, that his Accepting of the Crown of *Bohemia* had no Reference to the Cause of Religion, but only by reason of his Right of Election, as he called it. And we would be sorry that such Aspersions should come upon our Religion, as to make it a good Pretext for dethroning of Kings, and usurping their Crowns; and we would be loath that our People here should be taught that strange Doctrine: No, let us not so far wrong the Jesuits, as to rob them of their sweet Positions and Practices in that very Point.

And upon the other Part, we assure ourself so far of your charitable Thoughts of us, that we would never have constantly denied our Son-in-Law both the Title and Assistance in that Point,

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‘ if we had been well persuaded of the Justice of his Quarrel. But to conclude, this unjust Usurpation of the Crowns of *Bohemia* and *Hungaria* from the Emperor, hath given the *Pope*, and all that Party, too fair a Ground, and opened them too wide a Gate for curbing and oppressing of many Thousands of our Religion in divers Parts of *Christendom*.

‘ And whereas you excuse your touching upon the King of *Spain*, upon occasion of the Incidents by you repeated in that Place, and yet affirm, that it is without any Touch to his Honour; we cannot wonder enough that ye are so forgetful both of your Words and Wits: For, in your former Petition, ye plainly affirm, That he affects the Temporal Monarchy of the whole Earth; than which there can be no more Malice uttered against any great King, to make all other Princes and Potentates both envy and hate him: But, if ye list, it may easily be tried, whether that Speech touched him in Honour or not, if ye shall ask him the Question, Whether he means to assume to himself that Title or no; for every King can best judge of his own Honour. We omit the particular Ejaculations of some foul-mouthed Orators in your own House, against the Honour of that King’s Crown and State.

‘ And touching your Excuse of not determining any thing concerning the Match of our dearest Son, but only to tell your Opinion, and lay it down at our Feet: First, we desire to know, how you could have presumed to determine in that Point, without committing of High Treason? And next, you cannot deny but your talking of his Match after that Manner, was a direct Breach of our Commandment and Declaration out of our own Mouth, at the first sitting down of this Parliament; where we plainly professed, that we were in Treaty of his Match with *Spain*; and wished you to have that Confidence in our Religion and Wisdom, that we
‘ would

‘ would so manage it, as our Religion should receive no Prejudice by it. And the same we now repeat unto you, professing that we are so far engaged in that Match, as we cannot in Honour go back, except the King of *Spain* perform not such Things as we expect at his Hands. And therefore we are sorry that ye should shew to have so great Distrust in us, as to conceive that we should be cold in our Religion; otherwise, we cannot imagine how our former public Declaration should not have stopped your Mouths in this Point.

‘ And as to your Request, That we would now receive your former Petition: We wonder what could make you presume that we would receive it; whereas, in our former Letter, we plainly declared the contrary unto you. And therefore we have justly rejected that Suit of yours: For what have you left unattempted in the highest Points of Sovereignty, in that Petition of yours; except the Striking of Coin? For it contains the Violation of Leagues; the particular Way how to govern a War; and the Marriage of our dearest Son, both negatively with *Spain*; nay, with any other Popish Princess; and also affirmatively, as to the matching with one of our Religion; which we confess is a Strain beyond any Providence or Wisdom God hath given us, as Things now stand.

‘ These are unfit Things to be handled in Parliament, except your King should require it of you: For who can have Wisdom to judge of Things of that Nature, but such as are daily acquainted with the Particulars of Treaties, and of the variable and fixed Connection of Affairs of State, together with the Knowledge of the secret Ways, Ends, and Intentions of Princes in their several Negotiations? Otherwise a small Mistaking of Matters of this Nature may produce more Effects than can be imagined: And therefore, *Ne Sutor ultra Crepidam*, And besides, the in-

An. 29 James I.
1629

termiedling in Parliament with Matters of Peace
or War, and the Marriage of our dearest Son,
would be such a Diminution to us and to our
Crown in Foreign Countries, as would make
any Prince neglect to treat with us, either in
Matters of Peace or Marriage, except they might
be assured by the Assent of Parliament. And so
it proved long ago with a King of *France*; who,
upon a Trick, procuring his States to dissent from
some Treaty which before he had made, was
after refused Treaty with any other Princes, to
his great Reproach, unless he would first procure
the Assent of his Estates to their Proposition,
And will you cast your Eyes upon the late Times,
you shall find, that the late Queen, of famous
Memory, was humbly petitioned by a Parliament
to be pleased to marry: But her Answer was (a),
That she liked their Petition well, because it
was simple, not limiting her to Place nor Per-
son, as not befitting her Liking to their Fancies;
and if they had done otherwise, she would have
thought it a high Presumption in them. Judge
then what we may do in such a Case, having
made our public Declaration already (as we said
before) directly contrary to that which you have
now petitioned.

Now to the Points in your Petition, whereof
you desire an Answer as properly belonging to
the Parliament. The first and the greatest Point
is, that of Religion: Concerning which, at this
Time, we can give you no other Answer than
in the General; which is, That you may rest
secure, that we will never be weary to do all
we can for the Propagation of our Religion, and
repressing of Popery: But the Manner and Form
you must remit to our Care and Providence,
who can best consider of Times and Seasons;
not by undertaking a public War of Religion
through all the World at once; which, how
hard and dangerous a Task it may prove, you
may judge. But this puts us in Mind, how all

the

(a) See Vol. III. p. 411.

the World complained the last Year of Plenty
of Corn; and God sent us a Cooling-Card this
Year for that Heat: And so we pray God, that
this Desire among you of kindling Wars (shew-
ing your Weariness of Peace and Plenty) may
not make God permit us to fall into the Mife-
ries of both. But, as we already said, our Care
of Religion must be such, as, on the one Part, we
must not, by the hot Persecution of our Recu-
sants at Home, irritate foreign Princes of con-
trary Religion; and teach them the Way to
plague the Protestants in their Dominions, with
whom we daily intercede, and at this Time
principally, for Ease to them of our Profession
that live under them; yet, upon the other Part,
we never mean to spare, from due and severe
Punishment, any Papist that will grow insolent
for living under our so mild Government. And
you may also be assured, we will leave no Care
untaken, as well for the good Education of the
Youth at Home, especially the Children of Pa-
pists, as also for preserving at all Times here-
after the Youth that are or shall be Abroad, from
being bred in dangerous Places, and so poisoned
in Popish Seminaries. And as in this Point,
namely, the good Education of Popish Youth
at Home, we have already given some good
Proofs, both in this Kingdom and in *Ireland*;
so will we be well pleased to pass any good Laws
that shall be made, either now, or at any Time
hereafter, to this Purpose.

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1621.

And as to your Request of making this a Ses-
sion, and granting a General Pardon; it shall
be your Defaults, if we make not this a Session
before *Christmas*.

But for the Pardon, ye crave such Particulars
in it, as we must be well advised upon; lest
otherwise, we give you back the Double or Tre-
ble of what we are to receive by your entire Sub-
sidy, without Fifteenths. But the ordinary
Course we hold fittest to be used still in this Case,
is, that we should of our free Grace send you
down

An. 19 James I. 1621. *what he pleases, he was afraid, altho' herein the Lord Treasurers and others did differ from him, they did not affect a Session, nor intended to give any Subsidy at all, at this Time. Would the King be pleased also to add in this Letter, That if they will not prepare Bills for a Session, he will break up the Parliament, without any longer Prorogation; acquainting the Kingdom with their Undutifulness and Obstinacy, and supply the present Wants by some other Means: Or else will he adjourn the present Assembly to the appointed eighth of February: This latter Course is fitter for farther Advice; but the former to express a just Indignation.' The Lord Keeper concludes his Letter thus: 'I dare advise nothing in so high a Point; but humbly beseech Almighty God to illuminate his Majesty's Understanding, to insist upon that Course which shall be most benevolent for the Advancement of his Service. In our House his Majesty's Servants are very strong, and increase every Day; nor is there the least Fear of any malignant Opposition.'*

Mr. *Wilson* tells us, 'That this Advice was in some Measure followed; and that the King, finding the House of Commons had given over all Business, did write again to the Speaker and to Secretary *Calvert*, in order to take off the Edge of those sharp Expressions used in his late Answer. But, adds our Author, the House found the King's Letters rather to entangle the Way, than leave a free Passage to their Liberties; for that which was their Birth-right, was now said to be derived from his Ancestors: And, as they judged the King would dissolve the Parliament, they resolved, continues he, whatsoever should befall them, to leave some Prints and Footsteps of their Parliamentary Rights and Privileges, left them by their great Ancestors: That tho' they could not preserve them entire, those that should succeed might, at least, find some **Remnants and Ruins of what they once had.**

What this Writer means, was a Protestation which the Commons entered into, in Vindication of their Parliamentary Rights and Privileges; but,

As that Affair was their last Act, we shall reserve it to the Conclusion; and go back a little into the Proceedings of the House of Lords at this Period.

It may be asked, What was become of Sir *John Bennet's* Affair, which was entered into with so much Warmth at the last Sitting of Parliament? But we hear no more of it in this, than his making his Appearance to save his Bail, and being ordered to attend from Day to Day; which proved so tedious that Sir *John* petitioned the House either to be tried, or discharged from so close an Attendance. This was not complied with, and he was obliged to wait, without any Trial, till the 17th of *December*; on which Day it being signified to the House, that Sir *John Bennet* was so sick that he could not, without great Danger of his Life, make his personal Appearance, as was shewn by a Certificate from his Physician, Dr. *Baskerville*: It was agreed, that the said Sir *John Bennet* should stand upon his Bail for his Appearance, but not to incur any Danger of Forfeiture for his Non-appearance at this Time, by reason of his Indisposition.

Thereupon the Lord Keeper acquainted the House, That many Petitions were exhibited, every Morning, against the said Sir *John Bennet*, which were much called upon. It was agreed, 'That, lest the Justice and Care of this House, to question the said Sir *John Bennet* for the same, may be doubted of, Notice shall be given to the Petitioners, that this Time was designed for greater Affairs, and too short now to proceed against him upon those Complaints; but that the Lords did resolve, at the next Access, to proceed against him effectually.'—As this next Meeting never came to pass, in this Reign, it is very probable, if Sir *John Bennet* did not die of this Illness, that he got off his Trial and Censure by the Confusion of the Times; for his Bail would be discharged in course, at the Dissolution of the Parliament (1).

Sir

(1) Sir *John Bennet* obtained the King's Pardon, as appears in a Letter of Lord *Bacon's* to his Majesty, some Time after this, when he was petitioning for his own. *Cabala*, p. 62.

An. 19 Janu. 1.
1641.

Proceedings a-
gainst Sir John
Bouchier for as-
perging the Lord
Keeper Williams.

Sir John Bouchier, a Yorkshire Knight, had presented a Petition to the Lords, on the 3d of December, complaining of some indirect Dealing in the Lord Keeper of the Great Seal, for not giving a sufficient Hearing to a Cause of his in Chancery, and refusing to re-hear the same. The Lords took this Petition into Consideration, for several Days together; and, after examining several Witnesses, *pro et con*, came, at last, to this Resolution on the Question, That the Lord Keeper was freed from any precipitate or hasty Hearing of Sir John Bouchier's Cause, as was alledged in his Petition. And, on a second Question, it was agreed, That the said Sir John should receive some Censure or Punishment for the same.

Accordingly, Dec. 12, the Sentence against Sir John Bouchier was assented to, *viz.* *That he should make an Acknowledgment, in their House, and in Chancery, of his Fault; and that he should be imprisoned.* But the Lord Keeper saying, That the said Sir John behaved himself well and temperately, at the hearing of his Cause in Chancery, and beseeching their Lordships to remit the Acknowledgment of his Fault in that Court, and likewise his Imprisonment; the Lords highly commended the Lord Keeper's Clemency, and remitted both. Then Sir John being brought to the Bar, and his Acknowledgment, ready drawn up, being delivered to him, he kneeling, said, *My Lords, in Obedience to the Judgment of this House, I humbly submit myself; and then read the same in these Words:*

His Submission.

Whereas, by the Honourable Sentence of the Lords Spiritual and Temporal, I stand convicted of a great Misdemeanor, for taxing and laying an Imputation on the Lord Keeper of the Great Seal of England; I do, in all Humbleness, acknowledge the Justice of that their Sentence, and also mine own Fault and Offence, and am heartily sorry therefore; I do, therefore, crave Pardon, both of your Lordships, in general, and of the Lord Keeper, in particular.

Then

An. 19 James II.
1685.

Then, being commanded to stand up, the Lord Keeper told him, That, at his Request, the Lords did remit the Acknowledgment to be made in Chancery, and also his Imprisonment: For which the said Sir *John Bouchier* most humbly thanked their Lordships, and particularly the Lord Keeper.

But, notwithstanding the Mildness of this Sentence, for traducing the then principal Officer of State, this Man lived in the next Reign, not only to vote the House of Lords out of Doors, but also to embrue his Hands in his Sovereign's Blood.

Dec. 14. Things being in the confused State, already mentioned, between the King and the House of Commons, and no Likelihood of a Supply from that Quarter, a Motion was made in the Upper House, by the Lord *Digby*, to put the Commons in Mind, 'That this Session was called to provide a present Support for the *Palatinate*, as was delivered, by Message from his Majesty unto both Houses, at the Beginning thereof.' His Lordship likewise said, 'That he had since received many Advertisements of the great and present Danger the *Palatinate* was then in; as well by the Army of the Duke of *Bavaria*, in pursuit of Count *Mansfeld*, as also by the Army of that Count, who came for the Defence of the *Palatinate*, if he be not speedily supplied with Means from hence to support it: Because that Country was not able to pay the Soldiers, nor to feed so great an Army; which must be in great Distress for want of such Relief. That divers Terms of Peace had been offered the Count, very fair for himself; yet he would not hearken to any, so long as he hoped to be relieved from *England*, and might, in any reasonable Time, be assured thereof. Which Advertisements of the Danger and Hope of the *Palatinate*, his Lordship thought good, in Discharge of his Duty to the King, to acquaint their Lordships with, that they might take the same into their Consideration.'

The Lords having duly weighed the Matter, it was agreed, being first put to the Question, That there shall be a Meeting with the House of Commons

The Lords propose a Meeting with the Commons on the Supply.

An. 19, James I. 1621. **MO**TIOS concerning the Narration made by the Lord Digby. And it was also agreed, That, at the said Meeting, the Lord Keeper shall first make an Introduction, and the Lord Digby shall proceed in his Narration to the Commons. Then the Lord Digby desired to be directed by the House, or a Committee, in his Narration; and it was ordered, That his Lordship should put down the Heads thereof in Writing against the next Morning: At which Time it was again agreed, That it should be delivered as a Narrative only.

But are prevented by the Dissolution of the Parliament.

But no Message for this Meeting was ever sent to the Commons; for, on the 18th Day of December, his Royal Highness the Prince presented a Commission, from the King, for the Adjournment of this Parliament to the 8th of February ensuing: And, on that Day, by another Commission, it was finally dissolved.

Thus did this Parliament continue almost a Year, and sat, altogether, between five and six Months of it, without one single Act being passed, except the Grant of two Subsidies in the first Session of it; and there were eighty-one public and private Bills delivered into the House of Lords; as appears by a Catalogue of their Titles at the End of the *Journal* of this Parliament.—A Thing unprecedented before, in all these Enquiries. What the Reasons were for their Dissolution, appears plain enough, by the Heats and Animosities in the Commons.—But we waive all Reflections, and shall leave the Times to speak for themselves.

We took Notice before, that the Commons, foreseeing their Dissolution, entered a *Protestation*, in Vindication of their Parliamentary Rights and Privileges.—It was expressed in the following Terms:

The Commons Protestation in Vindication of their Privileges.

THE Commons now assembled in Parliament, being justly occasioned thereunto concerning sundry Liberties, Franchises, and Privileges of Parliament, amongst others hitherto mentioned, do make this Protestation

Protestation following, *That the Liberties, Franchises, Privileges, and Jurisdictions of Parliament, are the ancient and undoubted Birth-right and Inheritance of the Subjects of England; and that the arduous and urgent Affairs concerning the King, State, and Defence of the Realm, and of the Church of England, and the Maintenance and Making of Laws, and Redress of Mischiefs and Grievances which daily happen within this Realm, are proper Subjects and Matter of Counsel and Debate in Parliament; and that in the handling and proceeding of those Businesses, every Member of the House of Parliament hath, and of Right, ought to have Freedom of Speech, to propound, treat, reason, and bring to Conclusion the same: And that the Commons in Parliament have like Liberty and Freedom to treat of these Matters in such Order, as in their Judgments shall seem fittest: And that every Member of the said House hath like Freedom from all Impeachment, Imprisonment, and Molestation (other than by Censure of the House itself) for or concerning any speaking, reasoning, or declaring any Matter or Matters touching the Parliament, or Parliament-Business: And that if any of the said Members be complained of, and questioned for any thing done or said in Parliament, the same is to be shewed to the King by the Advice and Assent of all the Commons assembled in Parliament, before the King give Credence to any private Information.*

This Protestation was made and recorded in the *Journal-Book* of the Commons, December the 18th, the Day of Adjournment. But how the King took it, will best appear, by his sending for the *Journal-Book* of the Commons, in Council, and striking out this Protestation *with his own Hand* (u); and by the following Memorial, which was published soon after, as is seen by the Date of it.

Which the King strikes out of the Journal, with his own Hand.

VOL. V.

K k

Whitehall,

(u) It appears by the printed Journals, that it is either erased or rent out.

AN. 19 James I.
1621.

A Memorial
thereof ordered
to be entred in
the Council-
Books.

Whitehall, December 30, 1621.

‘ HIS Most Excellent Majesty coming this
‘ Day to the Council, the Prince his High-
‘ nefs, and all the Lords and others of his Majesty’s
‘ Privy-Council fitting about him, and all the
‘ Judges then in *London*, which were six in Num-
‘ ber, there attending upon his Majesty ; the Clerk
‘ of the Commons House of Parliament was call-
‘ ed for, and commanded to produce his *Journal-
‘ Book*, wherein was noted, and Entries made of
‘ most Passages that were in the Commons House
‘ of Parliament ; and amongst other Things there
‘ was written down the Form of a *Protestation*
‘ concerning sundry Liberties, Privileges, and
‘ Franchises of Parliament ; with which Form of
‘ *Protestation* his Majesty was justly offended.
‘ Nevertheless his Majesty, in a most gracious
‘ Manner, there expressed, That he never meant
‘ to deny that House of Commons any lawful
‘ Privileges that ever they had enjoyed ; but what-
‘ soever Privileges or Liberties they had by any
‘ Law or Statute, the same should be inviolably
‘ preserved unto them ; and whatsoever Privileges
‘ they enjoyed by Custom, or uncontroulled and
‘ lawful Precedent, his Majesty would be careful
‘ to preserve. But this *Protestation* of the Com-
‘ mons House, so contrived and carried as it was,
‘ his Majesty thought fit to be razed out of all
‘ *Memorials*, and utterly to be annihilated ; both
‘ in respect of the Manner by which it was gain-
‘ ed, and the Matter therein contained. For the
‘ Manner of getting it, first, in respect of the
‘ Time : For after such Time as his Majesty, out
‘ of his princely Grace, and to take away all Mis-
‘ takings, had directed his Letters to Secretary
‘ *Calvert*, dated at *Royston*, 16 *Decembris*, and
‘ therein had so explained himself, in the Point of
‘ maintaining the Privileges of the House of Com-
‘ mons, as that most of the said House rested fully
‘ satisfied, and freed from any Scruple of having
‘ their Liberties impeached : And after that, by
‘ his

his Majesty's Letters, directed to the Speaker, An. 19 James I.
dated 18 *December*, being *Tuesday*, his Majesty, 1621.
at the humble Suit of the House of Commons,
condescended to make this Meeting a Session be-
fore *Christmas*, and for that Purpose had assign-
ed *Saturday* following: Now, upon this very
Tuesday, and while the Messengers from the
House of Commons were with his Majesty at
Theobalds, to return Thanks unto his Majesty,
and therewith an Excuse from them not to make
it a Session, in respect of the Strait of Time
whereunto they were driven; which Deferment
his Majesty admitted of at their Desires, and
thereupon gave Order for the Adjournment of
the Parliament until the 8th of *February* next,
which was the first Day formerly appointed by
his Majesty for the meeting together of the Par-
liament: And whilst their Messengers were with
his Majesty, and had received a gracious Answer
to return unto their House; even that Afternoon,
a Committee was procured to be made for taking
their Liberties into Consideration: And this Af-
ternoon a *Protestation* was made (to whom, ap-
pears not) concerning their Liberties; and at six
o'Clock at Night, by Candle-light, the same
Protestation was brought into the House by the
Committee; and at that Time of Night it was
called upon to be put to the Question, there not
being the third Part of the House then present;
whereas in all Matters of Weight, their usual
Custom is, to put nothing of Importance to the
Question, till the House be full: And at this
Time many of them that were present, expect-
ed the Question would have been deferred to an-
other Day, and a fuller House; and some then
present stood up to have spoken to it, but could
not be seen or heard in that Darknes and Con-
fusion. Now for the Matter of the *Protestation*,
it is penned in such ambiguous and general Words,
as may serve for future Times to invade most
of the Rights and Prerogatives annexed to the
Imperial Crown; the Claim of some Privileges
K k 2 being

An. 19 James I. 1621. being grounded upon the Words of the Writ for assembling the Parliament, wherein some Words, viz. *Arduis Regni*, are cunningly mentioned; but the Word *quibusdam*, which restraineth the Generality to such particular Cases, as his Majesty pleaseth to consult with them upon, is purposely omitted.

These Things considered, his Majesty did, this present Day, in full Assembly of his Council, and in the Presence of the Judges, declare the said *Protestation* to be invalid, annulled, void, and of no Effect: And did further, *Manu sua propria*, take the said *Protestation* out of the *Journal-Book* of the Clerk of the Commons House of Parliament; and commanded an Act of Council to be made thereupon, and this Act to be entered in the Register of Council-Causes.

Before the Time that the Parliament was adjourned to (viz. *February* the 8th) the King thought proper to publish a Proclamation for the Dissolution of it; with his Reasons for so doing. *Rushworth* hath only given us a short Abstract of this Act of State: A very great Omission in a *Collector* of such Materials for a just History of those Times. However, as we have found this Instrument, at length, in another *Collection of public Acts* (*), we shall, to avoid the like Imputation, insert it in its own Words and Dress.

A PROCLAMATION for dissolving this present
PARLIAMENT.

And a Proclamation issued setting forth the King's Reasons for dissolving the Parliament.

ALBEIT the Assembling, Continuing, and Dissolving of Parliaments be a Prerogative so peculiarly belonging to our Imperial Crown, and the Times and Seasons thereof so absolutely in our own Power, that we need not give Account thereof unto any; yet, according to our continual Custom, to make our good Subjects acquainted with the Reasons of all our public Resolutions and Actions; we have thought it expedient

(*) *Rymer's Fœdera*, Vol. XVII. p. 344.

‘ expedient at this Time to declare, not only our
‘ Pleasure and Resolution therein, grounded upon
‘ mature Deliberation, with the Advice and uni-
‘ form Consent of our whole Privy-Council, but
‘ therewith also, to note some special Proceedings
‘ moving us to this Resolution; and that chiefly to
‘ this End, that as God, so the World may wit-
‘ ness with us, that it was our Intent to have made
‘ this the happiest Parliament that ever was in our
‘ Time; and that the Lett and Impediment thereof
‘ being discerned, all Misunderstandings and Jeal-
‘ ousies might be removed; and all our People
‘ may know and believe that we are as far from
‘ imputing any of those ill Accidents, that have
‘ happened in Parliament, to any Want or Neglect
‘ of Duty or good Affection towards us by them
‘ in general, or by the greater or better Number
‘ of Parliament-Men; as we are confident, the
‘ true Causes discovered, they will be far from im-
‘ puting it to any Default in us, there having in
‘ the Beginning of this late Assembly passed greater
‘ and more infallible Tokens of Love and Duty
‘ from our Subjects to us their Sovereign, and
‘ more remarkable Testimonies from us of our
‘ princely Care and Zeal of their Welfare, than
‘ have been in any Parliament met in any former
‘ Age.

‘ This Parliament was by us called, as for mak-
‘ ing good and profitable Laws, so more especial-
‘ ly in this Time of miserable Distraction through-
‘ out *Christendom*, for the better settling of Peace
‘ and Religion, and restoring our Children to their
‘ ancient and lawful Patrimony; which we at-
‘ tempted to procure by peaceable Treaty, at our
‘ own excessive Charge, thereby to save and pre-
‘ vent the Effusion of Christian Blood, the mise-
‘ rable Effect of War and Dissension; yet, with
‘ full Purpose, if that succeeded not, to recover it
‘ by the Sword, and therefore, as a necessary
‘ Means conducing to those Ends, the Supply of
‘ our Treasures was to be provided for.

K k 3

‘ This

An. 19 James I.
1621.

‘ This Parliament beginning in *January* last;
 ‘ proceeded some Months with such Harmony be-
 ‘ tween us and our People as cannot be paralleled
 ‘ by any former Time; for as the House of Com-
 ‘ mons at the first, both in the Manner of their
 ‘ Supply and otherwise, shewed greater Love and
 ‘ more Respect than ever any House of Com-
 ‘ mons did to us, or as we think, to any King
 ‘ before us; so we upon all their Complaints have
 ‘ afforded them such memorable and rare Examples
 ‘ of Justice as many Ages past cannot shew the
 ‘ like; wherein, that we preferred the Weal of our
 ‘ People before all particular Respects, the Things
 ‘ themselves do sufficiently prove, our Justice be-
 ‘ ing extended not only to Persons of ordinary
 ‘ Rank and Quality, but, even to the prime Offi-
 ‘ cer of our Kingdom; and although, after their
 ‘ first Recess, at *Easter*, we found that they mis-
 ‘ spent a great deal of Time, rather upon the en-
 ‘ larging of the Limits of their Liberties, and di-
 ‘ vers other curious and unprofitable Things, than
 ‘ upon the framing and proponing of good and
 ‘ profitable Laws; yet, we gave them Time and
 ‘ Scope for their Parliamentary Proceedings, and
 ‘ prolonged the Session to an unusual Length, con-
 ‘ tinuing it until the 28th Day of *May*, before we
 ‘ signified our Purpose for their Recess; and then
 ‘ we declared that we would make a Recess on the
 ‘ 4th Day of *June* next following, but only for a
 ‘ Time, and in such Manner as might be without
 ‘ Disturbance to any of the Busineses in Hand;
 ‘ expressing out of our Grace, though we needed
 ‘ not, the Causes of that our Purpose, which
 ‘ were the Season of the Year, usually hot and un-
 ‘ fit for great Assemblies; our Progress approach-
 ‘ ing; the Necessity we had to make use of our
 ‘ Council attending in both Houses, both to settle
 ‘ our weighty Affairs of State before we went,
 ‘ and to attend us when we went our Progress;
 ‘ the disfurnishing our ordinary Courts of Justice
 ‘ so many Terms together; the long Absence of
 ‘ Justices of Peace and Deputy-Lieutenants, whose
 ‘ Presence

‘ Prefence was needful for making and returning
‘ of Mufters, and for subordinate Government of
‘ the Country : And therefore we appointed to ad-
‘ journ the Parliament on the 4th Day of *June*,
‘ giving them Warning longer than usual, that they
‘ might fet in order their Buſineſs, and prepare
‘ their Grievances, which we promiſed both to
‘ hear and answer before that Receſs ; for preſent-
‘ ing whereof we appointed them a Time.

‘ This Meſſage, graciously intended by us, was
‘ not ſo well entertained by ſome, who in a ſhort
‘ Time diſperſed and ſpread their Jealouſies unto
‘ others, and thereby occaſioned Diſcontentment
‘ in the Houſe, for being adjourned without paſſing
‘ of Bills ; yet made not their Addreſs to us as
‘ was meet, but deſired a Conference with the
‘ Lords, and at that Conference the 29th Day of
‘ *May*, under colour of deſiring to petition us for
‘ ſome further Time to perfect and paſs ſome ſpe-
‘ cial Bills, were emboldened not only to diſpute,
‘ but to reſel all the Reaſons that we had given for
‘ the Adjournment ; which being made known un-
‘ to us, we again ſignified our Pleaſure to both
‘ Houſes, that on the 4th Day of *June* the Par-
‘ liament ſhould riſe, but we would then give our
‘ Royal Aſſent to ſuch Bills as were or ſhould be
‘ ready and fit to be then paſſed, continuing all
‘ other Buſineſſes in the State they were, by a ſpe-
‘ cial Act to be framed for that Purpoſe.

‘ The Lords with all Duty and Reſpect ſub-
‘ mitted to our Reſolution, paſſed the Act, and
‘ ſent it with ſpecial Recommendation to the Houſe
‘ of Commons ; but they neither read it nor pro-
‘ ceeded with Buſineſs, but forgetting that the
‘ Time was ours and not theirs, continued their
‘ Diſcontent, as they pretended, for being ſo ſoon
‘ diſmiſſed.

‘ We, though it were ſtrange to obſerve ſuch
‘ Averſeneſs for our reſolving, upon ſuch weighty
‘ Reaſons, that wherein we needed not be mea-
‘ ſured by any other Rule but our own princely
‘ Will, yet were contented to deſcend from our

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1621.

Right, to alter our Resolution, and to continue the Session for a Fortnight more, wherein they might perfect such public Bills as were esteemed of most Importance; for which Purpose, we ourself came in Person unto the Higher House of Parliament, and made Offer thereof unto them; which being, in effect, as much as the Commons had formerly desired, was no sooner offered, but yielding Thanks to us, the said Commons resolved, the same Day, directly contrary to their former Desire, to refuse it, and to accept our first Resolution of an Adjournment, but attending us at *Greenwich* presented no Grievances.

This Inconstancy as we passed it by with a gentle Admonition, so for the Matter of Grievances, as well of *England* as *Ireland*, we promised to take them into our own Care, though not presented to us, and really performed the same so far as the Time and the Advice of our Council of each Kingdom could enable us; as is witnessed by our several Proclamations published in both Realms, as likewise, in granting, at the same Time, those three Suits which were propounded unto us by the Archbishop of *Canterbury*, at the Request and in the Name of both the Houses; but, in conclusion, the House of Commons making it their Choice, we made a Recess by Adjournment of the Parliament the 4th Day of *June*; though indeed, we must do them this Right, that at the said Recess, taking into their serious Consideration the present Estate of our Children abroad and the general afflicted Estate of the true Professors of Religion in foreign Parts, they did, with one unanimous Consent, in the Name of themselves and the whole Body of the Kingdom, make a most dutiful and solemn Protestation, That if our pious Endeavours, by Treaty, to procure their Peace and Safety, should not take that good Effect which was desired in the Treaty, whereof they humbly besought us not to suffer any long Delay; then upon Signification of our Pleasure in Parliament,

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liament, they would be ready to the uttermost
of their Powers both with Lives and Fortunes
to assist us, so as that, by the Divine Help of
Almighty God, we might be able to do that by
our Sword which by peaceable Courses should
not be effected.

But during the Time of this long Recess,
having to our great Charges mediated with the
Emperor by the Means of our Embassador, the
Lord *Digby*, and having found those Hopes to
fail which we had to prevail by Treaty; we in
Confidence of the Assistance of our People, thus
freely promised and protested in Parliament, did
instantly shorten the Time of the Recess, which
we had before appointed to continue until the
8th Day of *February*, and did re-assemble our
Parliament the 20th Day of *November* last, and
made known unto them the true State and Ne-
cessity of our Childrens Affairs; declaring our
Resolution unto them of taking upon us the De-
fence of our Childrens Patrimony by way of
Arms, since we could not compass it by an ami-
cable Treaty, and therefore expected the Fruit of
that their Declaration, whereby we were invited
unto this Course.

Wherein, howbeit we are all well satisfied of
the good Inclination of most Part of our House
of Commons, testified by their ready Assent to
the speedy Payment of a Subsidy newly to be
granted; yet, upon this Occasion, some particu-
lar Members of that House took such inordinate
Liberty, not only to treat of our High Preroga-
tives, and of sundry Things, that, without our
special Direction, were no fit Subjects to be
treated of in Parliament; but also, to speak with
less Respect of foreign Princes, our Allies, than
was fit for any Subject to do of any anointed
King, tho' in Enmity and Hostility with us,

And when, upon this Occasion, we used some
Reprehension touching those Miscarriages, requir-
ing them not to proceed but in such Things as were
within the Capacity of that House according to the
continual

An. 19 James I. 1621. continual Custom of our Predecessors ; then,
 ' by the Means of some evil-affected and discontented Persons, such Heat and Distemper was
 ' raised in the House, that, albeit themselves had
 ' sued unto us for a Session, and for a general Pardon, unto both which, at their earnest Suit, we
 ' assented ; yet, after this Fire kindled, they rejected both, and setting apart all Businesses of Con-
 ' sequence and Weight, notwithstanding our Admonition and earnest pressing them to go forward, they either sat as silent, or spent the Time
 ' in disputing of Privileges, descanting upon the Words and Syllables of our Letters and Messages ; which for better clearing of Truth, and Satisfaction of all Men, we are about to publish
 ' in Print so soon as possible we can : And although, in our Answer to their Petition, we gave
 ' them full Assurance that we would be as careful of the Preservation of their Privileges as of our
 ' own Royal Prerogative, and in our Explanation after sent unto them by our Letters written to
 ' our Secretary, we told them that we never meant to deny them any lawful Privileges that ever that
 ' House enjoyed in our Predecessors Times, and that whatsoever Privileges or Liberties they enjoyed by any Law or Statute should ever be in-
 ' violably preserved by us, and we hoped our Posterity would imitate our Footsteps therein ; and
 ' whatsoever Privileges they enjoyed by long Custom, and uncontroulled and lawful Precedents,
 ' we would likewise be as careful to preserve them, and transmit the Care thereof to our Posterity ;
 ' confessing ourselves, in Justice, to be bound to maintain them in their Rights, and in Grace,
 ' that we were rather minded to increase than infringe any of them, if they should so deserve at
 ' our Hands ; which might satisfy any reasonable Man that we were far from violating their Privileges.
 ' And altho', by our Letters, written to their Speaker, we advised them to proceed and make
 ' this a Session, to the end our good and loving Subjects

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Subjects might have some Taste, as well of our Grace and Goodness towards them by our free Pardon and good Laws to be passed, as they had both by the great and unusual Examples of Justice since our Meeting, and the so many Eases and Comforts given unto them by Proclamation; and altho' we had given Order for the Pardon to go on, and that in a more gracious and liberal Manner than had passed in many Years before; and signified our Willingness, that rather than Time should be mispent, they might lay aside the Thought of the Subsidy, and go on with an Act for Continuance of Statutes, and the general Pardon: Yet all this prevailed not to satisfy them, either for their pretended Privileges, or to persuade them to proceed with Bills for the Good of themselves, and those that sent them. But as the Session and Pardon were by them well desired at first, so were they as ill rejected at the last; and, notwithstanding the Sincerity of our Protestations not to invade their Privileges, yet, by Persuasion of such as had been the Cause of all these Distempers, they fall to carve for themselves; and pretending, causelessly, to be occasioned thereunto, in an unseasonable Hour of the Day, and a very thin House, contrary to their own Customs in all Matters of Weight, conclude and enter a Protestation for their Liberties, in such ambiguous and general Words, as might serve for future Times to invade most of our inseparable Rights and Prerogatives annexed to our Imperial Crown; whereof, not only in the Times of other our Progenitors, but in the blessed Reign of our late Predecessor, that renown'd Queen *Elizabeth*, we found our Crown actually possessed; an Usurpation that the Majesty of a King can by no Means endure.

By all which may appear, that, howsoever in the general Proceedings of that House, there are many Footsteps of loving and well-affected Duty towards us, yet some *ill-tempered Spirits* have sowed Tears among the Corn, and thereby frustrated

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1621.

‘ strated the Hope of that plentiful and good Harvest, which might have multiplied the Wealth and Welfare of this whole Land; and, by their cunning Diversions, have imposed upon us a Necessity of discontinuing this present Parliament, without putting unto it the Name or Period of a Session.

‘ And therefore, whereas the said Assembly of Parliament was, by our Commission, adjourned until the eighth Day of *February* now next ensuing, we minding not to continue the same any longer; and therefore not holding it fit to cause the Prelates, Noblemen, and States, of this our Realm, or the Knights, Citizens, and Burgessees of the same Parliament to travel thereabout; have thought fit to signify this our Resolution, with the Reasons thereof, unto all our Subjects, inhabiting in all Parts of this Realm; willing and requiring the said Prelates, Noblemen, and States, and also the said Knights, Citizens, and Burgessees, and all others to whom, in this Case, it shall appertain, that they forbear to attend at the Day and Place prefix’d by the said Adjournment; and in so doing they are and shall be discharged thereof against us: And we do hereby further declare, that the said Convention of Parliament neither is, nor, after the ceasing and breaking thereof, shall be, nor ought to be esteemed, adjudged, or taken to be, or make any Session of Parliament,

‘ And albeit we are at this Time enforced to break off this Convention of Parliament, yet our Will and Desire is, that all our Subjects should take Notice, for avoiding of all sinister Suspicions and Jealousies, that our Intent and full Resolution is to govern our People in the same Manner as our Progenitors and Predecessors, Kings and Queens of this Realm, of best Government, have heretofore done; and that we shall be careful, both in our own Person, and by charging our Privy-Council, our Judges, and other our Ministers, in their several Places respectively, to
‘ distribute

‘ distribute true Justice and Right unto all our People; and that we shall be as glad to lay hold of the first Occasion, in due and convenient Time, which we hope shall not be long, to call and assemble our Parliament, with Confidence of the true and hearty Love and Affection of our Subjects, as either we, or any of our Progenitors have at any Time heretofore. Given at our Palace of *Westminster*, the sixth Day of *January*, 1621.’ *Peripium Rogem.*

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The ill-tempered Spirits the King mentions in this Proclamation, were several leading Members of the House of Commons; amongst whom, we are told, Sir *Edward Coke* and Sir *Robert Philips* (y), were committed to the *Tower*; Mr. *Selden*, Mr. *Pym*, and Mr. *Mallory*, to other Prisons and Confinements. Orders were given for sealing up the Locks and Doors of Sir *Edward Coke*’s Chambers in *London*, and in the *Temple*, and for the seizing his Papers. And the Council, debating about the general Pardon that should have passed this last Parliament, had considered about the Ways of excluding him from that Benefit, either by preferring a Bill against him, before the Publication of the Pardon, or by exempting this eminent Lawyer, by Name; for which they said, they had Precedents.

Several Members
committed to
Prison:

Likewise Sir *Dudley Diggs*, Sir *Thomas Crew*, Sir *Nathanael Rich*, and Sir *James Perrot*, as a lighter Punishment, were sent into *Ireland*, joined in Commission with others, under the Great Seal of *England*, for enquiring into sundry Matters concerning his Majesty’s Service, as well in the Government Ecclesiastical and Civil, as in Point of the King’s Revenues, and otherwise, within that Kingdom (z).

Others preferred
out of the Way.

Sir *Peter Hayman*, of *Kent*, was sent into the *Palatinate*; and, not long after this, Sir *John Savile*,

(y) Chairman of the Committee for the Lord Chancellor *Bacon*’s Affair. See before, p. 350.

(z) *Rushworth*, Vol. I. p. 55.

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vide, Knight of the Shire for the County of York, who carried all that Country at a Beck, and a powerful Man in the House of Commons, was taken off by the King, made Comptroller of his Household, a Privy-Counsellor, and not long after, a Baron (a).—A new Way, probably, in those Days, but very common in our own.

Camden, in the Annals of his own Times (b), mentions likewise the Imprisonment of Sir *Edwin Sandys*, a Member of Parliament, whilst that House was sitting. This occasioned great Resentment in the Commons; which was not to be pacified, tho' Secretary *Calvert* declared, on the 28th of November, That Sir *Edwin's* Imprisonment was not for any thing done in Parliament: For the House was not satisfied with this, but sent two of their Members to the Prisoner to enquire the Truth of it (c). This is confirmed by the Authority of the *Journals*, tho' neither *Wilson* nor *Rushworth* take any Notice of so extraordinary an Affair.—But how it was resented by the King, appears by the particular Notice taken of it in his Letter to the Commons.—The Affair of the Recusants also, adds our Annalist, occasioned another Disturbance in the House; and it was ordained that they should pay double Subsidies, like Foreigners; forasmuch as they shewed themselves to be Aliens from the established Religion, and devoted to the Pope.

It is certain that this King's pacific Temper, whatever Ground it was built upon, occasioned the Loss of the *Palatinate*; and laid the Foundation of greater Evils at home. Indeed the unhappy Quarrel between him and the House of Commons, prevented any Supplies being granted, at a Time when they were most immediately wanted. The King's

(a) It appears by the *Commons Journals*, that all the Members, here mentioned, had particularly distinguished themselves in Opposition to the *Spanish Match*, &c.

(b) Printed in Kennet, Vol. II. p. 658.

(c) Sir *Peter Hayman* and *Mallory. Journals*, Vol. I. p. 654.

King's Disgust at the Commons is imputed to the subtle Machinations of *Gondomar*, the *Spanish* Ambassador; who, it is said, influenced the greatest Part of the Privy-Council.—The Ministry being prevented in the Supply, went upon other Ways and Means to raise Forces without it; which shews that the King was, seemingly, in earnest about the Matter. The Privy-Council appointed the Keeper of the Records in the *Tower*, to search for all such Evidences, concerning the Levies of Men at the public Charge of the Country, from the Reign of King *Edward III.* to the present Time. Letters were also directed to the Justices of the Courts at *Westminster*, and to the Barons of the Exchequer, of the Tenor following:

Letters issued by the Privy-Council for raising a Benevolence.

WHAT Endeavours his Majesty hath used by Treaty, and by all fair and amicable Ways to recover the Patrimony of his Children in Germany, now, for the most part, with-holden from them by Force, is not unknown to all his loving Subjects, since his Majesty was pleased to communicate to them in Parliament his whole Proceedings in that Business: Of which Treaty, being of late frustrate, he was enforced to take other Resolutions; namely, to recover that by the Sword, which, by other Means, he saw no Likelihood to compass: For which Purpose it was expected by his Majesty, that his People in Parliament would, in a Cause so nearly concerning him and his Childrens Interest, have chearfully contributed thereunto. But the same unfortunately failing, his Majesty is constrained, in a Case of so great Necessity, to try the dutiful Affections of his loving Subjects in another Way, as his Predecessors have done in former Times, by propounding unto them a voluntary Contribution: And therefore, as yourselves have already given a liberal and worthy Example, which his Majesty doth take in very gracious Part, so his Pleasure is, and we do accordingly hereby authorize and require your Lordships, as well to countenance and assist the Service by your best Means, in your next Circuits, in the several Counties where you hold General Assizes;

as

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as also now presently, with all convenient Expedition; to call before you all the Officers and Attorneys belonging to any his Majesty's Courts of Justice, and also all such others of the Houses and Societies of Court, or that otherwise have Dependance upon the Law, as are meet to be treated withal in this Kind, and have not already contributed; and to move them to join willingly in this Contribution, in some good Measure answerable to that yourselves and others have done before us, according to their Means and Fortunes: Wherein his Majesty doubteth not, but (beside the Interest of his Children, and his own Crown and Dignity) the Religion professed by his Majesty, and happily flourishing under him within this Kingdom, having a great Part in the Success of this Business, will be a special Motive to incite and persuade them thereunto. Nevertheless, if any Person shall, out of Obstinacy or Disaffection, refuse to contribute herein, proportionably to their Estates and Means, you are to certify their Names unto this Board.

And so, recommending this Service to your best Care and Endeavour, and praying you to return unto us Notes of the Names of such as shall contribute, and of the Sums offered by them, we bid, &c.

‘ Letters to the same Effect were directed to the High Sheriffs and Justices of the Peace of the several Counties; and to the Mayors and Bailiffs of every City and Town-Corporate within the Kingdom, requiring them to summon all of known Abilitles within their Jurisdictions, and to move them to a chearful Contribution, according to their Means and Fortunes, in some good Measure answerable to what others well-affected had done before them. Also to make Choice of fit Collectors of the Monies, and to return a Schedule of the Names of such as shall contribute, and the Sums that are offered by them; that his Majesty may take Notice of the good Inclinations of his Subjects to a Cause of such Importance; as likewise of such others, if any such there be, as out of Obstinacy or Disaffection, shall refuse to contribute.’

We

We cannot find, by any Historian, what Success this Project met with; and therefore we conclude it had no Effect: So the King was reduced to go on in his old beaten Path of Solicitations and Treaties, notwithstanding the bad Success of his former Mediations.

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About this Time a Proclamation was published by the King, requiring all his Subjects to bring their Complaints of public Grievances, to a select Number of Lords, who were to sit, at *Whitehall*, once a Week for that Purpose, in order to have them redress'd afterwards by the King and Council (d).

And a Proclamation relating to Grievances.

The two succeeding Years were almost wholly taken up in carrying on the *Spanish Match*, and the Prince's Journey into *Spain* to effect it. Our larger Historians are copious enough in the Recital of all this Pageantry, as the Consequence evidently shew'd it to be. But all the *Spanish Chicanery*, in the Affair, being found out, King *James* turned the Tables upon them, just at a Time when the *Spaniard* seemed to be in earnest, and the Lady was left in the Lurch, in a Manner that Court justly deserved.

Anno 1622.

The Prince and *Buckingham* being both returned to *England* from their fruitless Expedition, and many Exigencies of State requiring it; the King was advised to call a new Parliament, notwithstanding his disagreeable parting with the last. *Rushworth* writes (e), 'That some of his more faithful Counsellors had represented to him the Disgust the People had taken, because the Subsidies; granted in the two last Parliaments, had no Retribution, as usual, by any Act of Grace: That some of their Burgesses were proceeded against, after the Parliament was dissolved; and that when they had satisfied the King's Demands, he would, nevertheless, proceed to the Conclusion of the *Spanish Match*.' This last Affair must have been a great Stumbling-Block in the People's Way: Many Men, then alive, well

Anno 1623.

The King advised to call a new Parliament.

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remembered

(d) *Rymer's Public Acts*, Tom. XVII. p. 452.

(e) *Collections*, Vol. I. p. 115. Taken from a Letter wrote to the King by the Earl of *Carlisle*, dated February 14, 1623, in the *Cabala*, p. 197, though not so quoted by *Rushworth*.

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remembered the Invasion in 1588, and the rest had been told of it, from their Fathers, with Horror : And this had imprinted in their Minds such an Antipathy to *Spain*, that a Match with that Crown must then have been the most disagreeable Thing in the World to an *Englishman*.

But this frightful Object being in a fair Way to be removed, the King was the more easily induced to call a Parliament ; and Writs were sent out for one to meet at *Westminster* on the 12th Day of *February*, Anno 1623, or the twenty-first Year of this Reign, according to the Advice of the Earl of *Carlisle*, which, in a Letter, he had humbly offered to his Majesty.

We cannot conclude this Volume better than with a Quotation from that noble Lord's Proposal, so well calculated for the Honour of the Prince, and the true Interest of the Subject (*f*). It runs thus :

The MEANS are, briefly, these Three :

‘ 1. Let your Majesty's Enemies see that the Lion hath Teeth and Claws.’

‘ 2. Next, embrace and invite a strict and sincere Friendship and Association with those whom Neighbourhood and Alliance, and common Interest of State and Religion, have joined unto you.’

‘ 3. Last of all, cast off and remove all Jealousies which are between your Majesty and your People.’

‘ Your Majesty must begin with the last ; for, upon that Foundation, you may afterwards set what Frame of Building you please. And when should you begin, Sir, but at this Overture of your Parliament, by a gracious, clear, and confident Discovery of your Intentions to your People? Fear them not, Sir ; never was there a better King, that had better Subjects, if your Majesty would trust them. Let them but see that you love them, and constantly rely upon their humble Advice and ready Assistance ; and your Majesty will see, how they will tear open their Breasts to give you their Hearts ; and

(*f*) Cabala, *ut supra*.

‘ No, I may more easily excuse him, than our- Queen Elizabeth.
selves; for he maketh none, but such as have 1601.
‘ Certificates commendatory from the Justices of
‘ Affize. Why then, they be in Fault; for im-
‘ possible it is, my Lord-Keeper should know the
‘ Quality and Sufficiency of them himself, but
‘ only *per Alium*, in Trust, as by the Justices of
‘ Affize. No, the Gall lies not there; for they
‘ neither (by reason they are not always riding one
‘ *Circuit*) are well acquainted with the Natures of
‘ those Justices; but when any desireth to be a
‘ Justice, he getteth a Certificate from divers Ju-
‘ stices of the Peace in the Country, to the Justi-
‘ ces of Affize, certifying them of their Sufficien-
‘ cy and Ability. And they again make their Cer-
‘ tificate (believing the former) to the Lord-Keep-
‘ er, who at the next Affizes, puts them into
‘ Commission. And thus is the Lord-Keeper abu-
‘ sed, and the Justices of Affize abused, and the
‘ Country troubled with a corrupt Justice, put in
‘ Authority.

‘ The Cause comes only from the Justices them-
‘ selves. And who be they? Even all of you here
‘ present, or most of us. My Suit, therefore is,
‘ That you will abstain from such Commendations,
‘ and hold your Hands from writing Iniquity, and
‘ doing so sinful a Deed, as to commend an un-
‘ worthy Person, and not to commend a worthy
‘ and deserving Subject. And I think this a Posi-
‘ tion both true and public, that it is as great a Sin
‘ to add to the unworthy, as to detract from the
‘ worthy. And, Mr. Speaker, if these Men may
‘ be excepted out of the Bill, I will not only be
‘ ready to go, but to run forth to have so good a
‘ Law established.’

Then Mr. *Townshend* (g) shewed, ‘ That in
‘ too much Generality, there never wanted Er-
‘ ror. And so in this Bill, being too general,
‘ namely all from the Age of Eighteen to Sixty,
‘ must appear at Musters, and may be prest; no
‘ Ex-

Queen Elizabeth. 1601. ' Exception of any, and therefore no Profession
' exempted.

' It is not unknown unto you, that by Profession, I am a Lawyer, and therefore, unfit to be a Professor of the Art of War. Therefore, I pray, that it would please the House, if they would commit the Bill, to commit it to be returned on the last Day of the next Parliament; or else, that, as a worthy Gentleman (*Serjeant Heale*) the last Parliament, in a Bill of this Nature moved, to have an Exception or Proviso for all Serjeants; it would please you to admit of a Proviso for all Lawyers.' At which the House laughed heartily; and the Bill was drop'd.

Sir Francis Hastings's Speech for reforming Abuses.

The next Day the Speaker having taken Notice, That the Parliament was likely to end next *Saturday*, Sir *Francis Hastings* stood up and said, Mr. Speaker, ' Because I see the House at so good Leisure, I will be bold to remember some Matters passed this Parliament, and deliver my Opinion, with Desire of Reformation: I mean not to tax any Man.

' Divers Speeches have been used concerning Justices of the Peace, so slanderous and defamatory; with so unwonted Epithets, with such slanderous Definitions; a Testimony of Levity for the one, and scant sound Judgment for the other.

' And therefore, I do humbly pray the Honourable here present, that those Justices which serve religiously, dutifully and carefully, may be countenanced.

' The Church and Common Wealth are two Twins, which laugh and live together. Long have we joyed in her Majesty's happy Government, and long may we.

' We have two strong Enemies, *Rome* and *Spain*; from thence all our Rebellions have proceeded, and, by Treasons hatched there, the sacred Life of our sweet Sovereign hath been fought and endangered.

' The

‘ The Boldness of the *Jesuits*, and *Seminaries*,
‘ is greatly increased, and they be very diligent to
‘ pervert; which their often and ordinary publish-
‘ ed Pamphlets, to every Man’s View, well testi-
‘ fieth, and apparently sheweth the Perverseness of
‘ their Spirits, and Corruptness of their Hearts.
‘ And the Multitude being perverted, what Dan-
‘ ger this may breed to the State, and our Sovereign
‘ Queen, judge you.

‘ For my Part, I am, and will be ready to lay
‘ my Life at her Feet, to do her Service; we had
‘ need to have special Care of them, for themselves
‘ do brag they have forty Thousand true hearted
‘ *Catholicks* (for so they call them) in *England*; be-
‘ sides, their Retinue, poor *Catholicks* and *Nuters*,
‘ and I know not what. It is therefore fit, we
‘ look to this dangerous Case, and not to think our-
‘ selves secure, because we find no Harm: For it
‘ is a true Position, That Security without Provi-
‘ dence, is most dangerous.

‘ I conclude only with this Desire, that those
‘ who have supreme Authority, will look that those
‘ who have inferior Government, may do faithfull-
‘ ly; and that we may be kept in Obedience.’

We have now gone through all the material
Transactions and Debates which happened in this
Parliament.

On the 19th of *December*, Her Majesty, with
divers Lord Spiritual and Temporal, being set in
the Upper House in their Parliament Robes, be-
tween Two and Three in the Afternoon, the House
of Commons had Notice thereof, and thereupon
repaired thither with *John Crooke*, Esq; Recorder
of *London*, their Speaker, who being placed at the
Rail, or Bar at the Lower End of the said Upper
House, after he had made three Reverences to her
Majesty, sitting under a rich Cloth of State, spake
to this Effect following.

The Speaker’s
Speech to the
Queen at the
Close of the
Session.

‘ That Laws were not at first made with hu-
‘ mane Pen, but by divine Ordinance; That po-
‘ litick

Queen Elizabeth.
1601.

‘ litick Laws were made according to the evil Con-
 ‘ ditions of Men, and that all Laws serve not for
 ‘ all Times, no more than one Medicine for all
 ‘ Diseases; if he were asked, what were the First
 ‘ and chiefest Thing to be considered, he would
 ‘ say, *Religion*. So Religion is all in all, for Re-
 ‘ ligion breeds Devotion; Devotion breeds Zeal
 ‘ and Piety to God, which breedeth Obedience
 ‘ and Duty to the Prince, and Obedience of the
 ‘ Laws, which breedeth Faithfulness and Honesty
 ‘ and Love; three necessary and only Things, to
 ‘ be wished and observed in a well-governed
 ‘ Common-Wealth. And that her Majesty by
 ‘ planting true Religion, had laid such a Founda-
 ‘ tion upon which all those Virtues were so plan-
 ‘ ted and builded, that they could not easily be root-
 ‘ ed up and extirpated. And therefore he did ac-
 ‘ knowledge that we will praise God and her Ma-
 ‘ jesty for it. And then he descended to speak of
 ‘ Governments and Laws of Nations, among and
 ‘ above all which, he principally preferr’d the Laws
 ‘ of this Land, which he said were so many and so
 ‘ wise, that there was almost no Offence but was met
 ‘ with in a law. Notwithstanding her Majesty
 ‘ being desirous, for the Good of her Land, to call
 ‘ a Parliament for Redress of some old Laws, and
 ‘ making some new, her dutiful and loving Sub-
 ‘ jects having considered of them, have made some
 ‘ new and amended some old, which they hum-
 ‘ bly desire may be made Laws by her most Roy-
 ‘ al Assent which giveth Life unto them. And so,
 ‘ after Thanks given for the Pardon, by which we
 ‘ dread your Justice and admire your Mercy, and
 ‘ a Prayer unto her Majesty that she would accept,
 ‘ as the Testimonies of our Love and Duty offer-
 ‘ ed unto her, with a free Heart and willing Spi-
 ‘ rit, four entire Subsidies and Eight Fifteenths
 ‘ and Tenths, to be collected of our Lands and
 ‘ Livelihoods; and having craved Pardon for his
 ‘ Offence, if either he had forgotten himself in
 ‘ Word or Action, he ended.’

The

and having them, your Majesty is sure of their Hands and Purfes. Cast but away some Crums of your Crown amongst them, and your Majesty will fee those Crums will work a Miracle; they will fatisfy many Thousands. Give them Assurance that your Heart was always at Home, though your Eyes were Abroad; invite them to look forward, and not backward, and constantly maintain what with Confidence you undertake, and your Majesty will find admirable Effects of this harmonious Concord. Your Majesty as the Head directing, and your People as the Hands and Feet obeying and co-operating for the Honour, Safety, and Welfare of the Body of the State. This will revive and re-unite your Friends Abroad; dismay and disappoint the Hopes of your Enemies; secure your Majesty's Person; assure your Estate; and make your Memory glorious to Posterity.'—How far this salutary Advice was followed, and what Effect it had, will be the Subject of our next Volume.

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The END of the FIFTH VOLUME.



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